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highlights

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Aviacion y Comercio, S.A. foreign charter permit renewal (Spain-U.S.); to be held in Washington, D.C.; 10–22–75. 41832; 9–9–75

Enforcement proceeding on Andrews International Inc., et al.; to be held in Washington, D.C. 10–23–75. 39922; 8–29–75

Spantax, S.A. foreign charter permit amendment and renewal (Spain-U.S.); to be held in Washington, D.C.; 10–20–75 ... 41832; 9–9–75

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Airport Noise Policy; to be held in Boston, Mass., Windsor Locks, Conn., and Minneapolis, Minn.; 10–20–21, 10–22, and 10–24, 10–25–75 respectively ... 43266; 9–19–75

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Internal Revenue Service—

Employment taxes; to be held in Wash., D.C.; 10–22–75 ... 43226; 9–19–75

List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

S. 2375 ... Pub. Law 94–109

An act to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for forty-five days

(Oct. 10, 1975; 89 Stat. 571)

presidential documents

Title 3—The President

PROCLAMATION 4400

United Nations Day, 1975

By the President of the United States of America

A Proclamation

Each year, throughout the world, nations commemorate October 24 as United Nations Day. This year is the 30th Anniversary of the United Nations Charter. Originally with 51 nations as members, the United Nations today includes 141 nations, thus membership is nearly universal.

The primary purpose of the United Nations is to maintain international peace and security. Had the work of the organization included nothing more than its efforts for peace in the Middle East—through truce observers, emergency forces, and mediation services—it would have justified its existence. But its record of achievement is far greater, and it continues to face new tasks with skill and imagination.

Today, the United Nations is adjusting to the new realities of economic interdependence. At the Seventh Special Session of the United Nations General Assembly in September of this year, great progress was made toward reaching agreements through which the interests of all nations—less developed as well as developed—can be promoted through cooperative action. In the field of economic development, as in peacekeeping, the United Nations has proved its usefulness to all its members.

The United Nations also has accelerated its efforts to stress the individual rights of women and the need to use their talents for the progress of society. By its designation of 1975 as "International Women's Year" the United Nations has recognized the importance of women's increasing contributions to the cause of peace and friendly relations among the Nations of the world.

Many important tasks are still before the United Nations. These include agreements on Law of the Sea, procedures to eliminate torture and efforts to control debilitating diseases. We cannot be satisfied until great progress has been made in these and other areas of international concern.

I ask the American people to look at the United Nations with true perspective—neither exaggerating its accomplishments nor ignoring its shortcomings, but seeing clearly its record and its potential for constructive action in the best interests of the United States and of all other members.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Friday, October 24, 1975,

as United Nations Day. I urge the citizens of this Nation to observe that day with community programs that will promote the United Nations and its affiliated agencies.

I have appointed H. J. Haynes to be United States National Chairman for United Nations Day and, through him, I call upon State and local officials to encourage citizens' groups and all agencies of communication to engage in appropriate observances of United Nations Day in cooperation with the United Nations Association of the United States of America and other interested organizations.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of October, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75-27896 Filed 10-14-75;10:02 am]

rules and regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 735—EMPLOYEE RESPONSIBILITIES AND CONDUCT

PART 1001—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Miscellaneous Amendments

Parts 735 and 1001 are amended to make editorial changes and, in addition, to bring Part 1001 up-to-date with reorganization changes.

Effective on October 15, 1975, the following changes are being made: (1) The headnote of § 735.409 is changed from "Information prohibited" to "Information not required"; (2) § 1001.735–401 is revised in its entirety; (3) the headnote of § 1001.735–408 is changed from "Information prohibited" to "Information not required"; and (4) § 1001.735–409, paragraphs (a) and (d), are amended to reflect title changes and the omission of a position. The changes are set out below:

§ 735.409 Information not required.

* * * * *

§ 1001.735–401 Employees required to submit statements.

The following employees shall submit statements of employment and financial interests in accordance with §§ 1001.735–402 through 1001.735–411:

(a) *Office of the Executive Director.*
(1) Executive Director.
(2) Deputy Executive Director.
(3) Assistant Executive Director.
(4) Assistant Executive Director for Regional Operations.
(5) Assistant Executive Director—Freedom of Information.
(b) *Office of Labor-Management Relations.*
(1) Director.
(c) *Office of the General Counsel.*
(1) General Counsel.
(2) Deputy General Counsel.
(d) *Appeals Review Board.*
(1) Chairman.
(e) *Federal Employees Appeals Authority.*
(1) Director.
(2) All Chief Appeals Officers.
(f) *Office of Administrative Law Judges.*
(1) Director.
(2) All employees in Administrative Law Judge positions.
(g) *Bureau of Management Services.*
(1) Director.
(2) Deputy Director.
(3) Director of Personnel and Labor Relations.
(4) Assistant Director, Personnel and Labor Relations.
(5) Chief, Office Services Division.
(6) Chief, Procurement and Operating Facilities Branch.
(7) Chief, Procurement and Property Section.
(8) Chief, Budget and Finance Division.
(9) Assistant Chief, Budget and Finance Division.
(h) *Bureau of Executive Manpower.*
(1) Director.
(i) *Bureau of Retirement, Insurance, and Occupational Health.*
(1) Director.
(2) Associate Director for Operations.
(3) Associate Director for Policy.
(4) Assistant to the Director.
(5) Chief, Legislative and Policy Division.
(6) Chief Actuary.
(7) Assistant to the Chief (Contracts and Instructions Specialists) GS–15, Legislative and Policy Division.
(8) Chief, Systems Development Division.
(9) Chief, Program Review and Audits Office.
(10) Associate Chief, Program Review and Audits Office.
(11) Auditors (Financial Activities), GS–13 and GS–14, Program Review and Audits Office.
(12) Assistant Director for Health.
(13) Chief, Occupational Health Division.
(j) *Bureau of Training.*
(1) Director.
(2) Deputy Director.
(3) Assistant Director for Training Operations.
(k) *Bureau of Personnel Management Evaluation.*
(1) Director.
(2) Deputy Director.
(l) *Bureau of Manpower Information Systems.*
(1) Director.
(2) Associate Director for Manpower Information.
(3) Associate Director for Information Systems.
(4) Chief, Data Center Operations Division.
(5) Chief, Information Technology Division.
(6) Chief, Information Systems Development Division.
(m) *Bureau of Intergovernmental Personnel Programs.*
(1) Director.
(2) Associate Director for Personnel Management Assistance.
(3) Associate Director for Grants Administration.
(4) Intergovernmental Personnel Programs Specialists, GS–13 and above.
(5) Grants Specialists, Office of Grants Administration, GS–13 and above.
(n) *Federal Executive Institute.*
(1) Director.
(o) *Executive Seminar Centers.*
(1) Director of each Center.
(p) *Regional Offices.*
(1) Regional Directors.
(2) Deputy Regional Directors.
(3) Chiefs, Intergovernmental Personnel Programs Division.
(4) Assistant Chiefs, Intergovernmental Personnel Programs Division.
(5) Chiefs, Grants Branch, Intergovernmental Personnel Programs Division.
(6) Chiefs, Merit Systems and Technical Assistance Branch, Intergovernmental Personnel Programs Division.
(7) Regional Intergovernmental Personnel Programs Specialist, GS–13 and above.
(8) Occupational Health Representatives.

* * * * *

§ 1001.735–408 Information not required.

* * * * *

§ 1001.735–409 Review of statements.

(a) The Executive Director, the Deputy Executive Director, the General Counsel, the Deputy General Counsel, and the Chairman of the Appeals Review Board shall submit their statements of employment and financial interests, and their supplementary statements, directly to the Chairman for review.

* * * * *

(d) When a statement submitted under paragraph (b) or (c) of this section indicates a conflict between the interests of an employee and the performance of his services for the Government, and when the conflict or appearance of conflict cannot be resolved by the reviewing official, he shall report the information concerning the conflict or appearance of conflict to the Chairman through the ethics counsel for the Commission. The employee concerned shall be given an opportunity to explain the conflict or appearance of conflict before remedial action is initiated.

(E.O. 11222, 3 CFR 1964–65 Comp. p. 306; 5 CFR 735.101 et seq.)

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

[FR Doc. 75–27669 Filed 10–14–75;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Transfer of Certain Functions of the Judicial Officer

Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended to delegate responsibility for administrative supervision of the Board of Contract Appeals to the Assistant Secretary for Administration and for preparation of the "Agriculture Decisions" to the Director, Office of Communication, and to revoke these delegations to the Judicial Officer, as follows:

1. Section 2.25 is amended by adding a new paragraph (k) to read as follows:

§ 2.25 Delegations of authority to the Assistant Secretary for Administration.

* * * * *

(k) *Related to board of contract appeals.* Provide administrative supervision, and exercise general responsibility for budget and finance aspects of the Board of Contract Appeals. No review by the Assistant Secretary for Administration of the merits of appeals or of decisions of the Board is authorized and the Board shall be the representative of the Secretary in such matters.

2. Section 2.32 is amended by adding a new paragraph (k) to read as follows:

§ 2.32 Delegations of authority to the Director of Communication.

* * * * *

(k) Direct the preparation of the "Agriculture Decisions".

3. Section 2.35 is amended by revoking and reserving paragraphs (c) and (d) as follows:

§ 2.35 Delegations of authority to the Judicial Officer.

* * * * *

(c) [Reserved]
(d) [Reserved]

Effective date. These amendments shall become effective October 15, 1975.

Dated: October 8, 1975.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.75-27642 Filed 10-14-75;8:45 am]

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

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Expenses and Rate of Assessment

This document authorizes expenses of $725,000 of the Texas Valley Citrus Committee, under Marketing Order No. 906, for the 1975-76 fiscal period and fixes a rate of assessment of 0.045 per 7/10-bushel carton or equivalent quantity of oranges and grapefruit handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

On September 17, 1975, notice of rulemaking was published in the FEDERAL REGISTER (40 FR 42886) regarding proposed expenses and the related rate of assessment for the period August 1, 1975, through July 31, 1976, pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This notice allowed interested persons 20 days during which they could submit written data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Texas Valley Citrus Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 906.215 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee during the period August 1, 1975, through July 31, 1976, will amount to $725,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 906.34, is fixed at $0.045 per 7/10-bushel carton, or an equivalent quantity of oranges and grapefruit.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of oranges and grapefruit are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit from the beginning of such period; and (3) the current fiscal period began on August 1, 1975, and the rate of assessment herein fixed will automatically apply to all assessable oranges and grapefruit beginning with such date.

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

Dated: October 8, 1975.

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

[FR Doc.75-27641 Filed 10-14-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Definition of Petrochemicals

On December 30, 1974, the Federal Energy Administration revised and redesignated its regulations affecting oil imports to conform to certain changes in the delegation of the President's authority under the Mandatory Oil Import Program (39 FR 45268, December 31, 1974). Among other things, the definition of the term "petrochemicals" formerly in Section 25A of Oil Import Regulation 1 (Revision 5), 32A CFR OI Reg. 1.25A, was redesignated without substantive change as § 213.27(q) of FEA's Oil Import Regulations [10 CFR 213.27(q)].

The definition of "petrochemicals" in § 211.51 of the Mandatory Petroleum Allocation Regulations [10 CFR 211.51] incorporates by reference the definition contained in the Oil Import Regulations. With the redesignation of the definition as 10 CFR 213.27(q), the reference in 10 CFR 211.51 should have been conformed accordingly. The admendment adopted today effects this change.

Since this amendment does not make any substantive change in the existing regulations and is intended only to correct an inadvertent error in the regulations, the FEA finds that good cause exists to issue this amendment immediately, without notice, opportunity for comment or delay in the effective date of the amendment.

As this amendment will not affect the quality of the environment, it is also unnecessary pursuant to § 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, to submit this amendment to the Administrator of the Environmental Protection Agency for comment.

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 8, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

Section 211.51 is amended by revising the definition of "petrochemicals" to read as follows:

§ 211.51 General definitions.

* * * * *

"Petrochemicals" are the organic chemicals defined as petrochemicals in

§ 213.27(q) of this chapter, plus any other analogous organic chemicals similarly derived.

* * * * *

[FR Doc.75-27593 Filed 10-9-75;10:16 am]

[Ruling 1975-17]

MANDATORY PETROLEUM PRICE AND ALLOCATION REGULATIONS

Application During September 1975

The expiration of the Emergency Petroleum Allocation Act of 1973 ("EPAA of 1973") on August 31, 1975 and the subsequent extension of that law by adoption of the Emergency Petroleum Allocation Act of 1975 ("EPAA of 1975"), which was signed by the President and became law on September 29, 1975, have raised a number of questions regarding the application of the FEA's regulations to transactions that occurred during the hiatus period of September 1 to September 29. The purpose of this Ruling is to give notice of the manner in which the FEA regulations apply to transactions occurring during that period.

I. *Background.*

S. 1849, which would have simply changed the expiration date in § 4(g)(1) of the EPAA of 1973 from August 31, 1975 to February 28, 1976, was passed by Congress on July 31, 1975. The President vetoed S. 1849 on September 9, 1975, and the veto was sustained by the Senate the following day.

Although S. 1849 passed the Congress a month prior to the scheduled expiration of the EPAA of 1973, it was contemplated at the time of its passage that the bill might not be sent to the President until late August, that the President was likely to veto it, and that it would become law only if Congress overrode the veto—which would occur at the earliest a few days after the August 31, 1975 expiration date. Thus, in the floor debate on S. 1849, several key proponents of the bill in the House made it clear that:

> It is the intent of the Congress that the extension of the allocation act included in S. 1849 take effect immediately and retroactively in the event of a veto and an override of that veto, and that there be no hiatus or gap during which violations of these regulations would not be subject to civil sanctions. 121 Cong. Rec. H 7955 (daily ed., July 31, 1975) (remarks of Cong. Dingell). *See also id*, at H 7956-57.

During the month of August it became apparent that the President would indeed veto S. 1849 because he believed the six-month extension provided for therein would unnecessarily delay the resolution of the difficult energy issues confronting the Nation. However, on August 29, 1975, the President informed the Majority Leader of the Senate and the Speaker of the House that he would be willing to sign a short-term (approximately 30 to 45 day) extension of the Act if he received assurances that during the extension period the Congress would act to adopt a phased decontrol program. On that date FEA Administrator Frank G. Zarb issued a public statement, widely reported in the press, that:

> A short-term extension, if signed by the President, would be applied retroactively. Since the Congress does not return until September 2, there would be a short gap in the Allocation Act authority between the August 31 expiration of current authority and any possible Congressional action on the short extension. It is likely, however that the Congress will intend no regulatory gap and will intend to reinstate automatically the price and allocation regulations in effect on August 31 with the passage of any short extension.
>
> FEA, in consultation with the Department of Justice, has reviewed the legal effects of such a gap and concluded that by an extension the Congress can revive the current controls retroactively to September 1. If the President signs such a short extension, appropriate regulatory action can then be taken to correct any transactions in violation of FEA's current controls that occurred during the gap.

There was substantial commentary in the trade press and elsewhere to the effect that the reinstitution of controls would, and could legally, apply retroactively to September 1. For example, the September 12 edition of the *Oil Daily* commented that:

> All this points to the wisdom that oil companies must still act as if controls were in place unless there is more assurance that decontrol will stick. Any action taken outside of the mandates of the defunct EPAA might be subject to expensive adjustments when Congress makes up its mind on the issue of oil company regulation.

On September 11, 1975, the day following the Senate's vote to sustain the veto of S. 1849, the House unanimously passed H.R. 9524, which would have extended the EPAA of 1973 for 60 additional days after September 1. The bill passed the Senate with certain amendments, including an expiration date of November 15, 1975 on September 26, 1975. The House concurred in the Senate amendments on the same day, and the EPAA of 1975 was signed into law by the President on September 29, 1975.

The EPAA of 1975 expressly states that the FEA regulations in effect on August 31, 1975 are to be considered reinstituted in full force and effect retroactive to that date:

> Sec. 3. It is the intent of the Congress that the regulations promulgated under the Emergency Petroleum Allocation Act of 1973 shall be effective for the period between August 31, 1975, and the date of enactment of this Act.

In the floor debate on this amendment, Representative Staggers, the Chairman of the House Committee on Interstate and Foreign Commerce, stated:

> It is the intent of both bodies of the Congress that the pricing and allocation controls contained in Federal Energy Administration regulations which were promulgated under that act continue in effect as though there had been no hiatus. Both the administration and leaders of the Congress have repeatedly stated that any extension of the Allocation Act finally agreed to would be retroactive in character. The industry has had ample notice of this matter.

Accordingly the Federal Energy Administration is called upon to enforce their regulations as if they had remained in full effect in the period it has taken for the Congress and the President to agree upon the terms of an extension of the act. In this regard the FEA will be expected to order a rollback and refunding of any price increases which may have occurred on or after September 1 and take other appropriate action to assure the continuity and integrity of the distribution system for petroleum products. 121 Cong. Rec. H 9193 (daily ed., September 26, 1975).

Similarly, Senator Jackson, Chairman of the Senate Interior Committee, stated in connection with H.R. 9524, as amended, that "the extension restores petroleum price controls, on a retroactive basis to September 1, until November 15, 1975." 121 Cong. Rec. S16866 (daily ed., September 26, 1976).

Judicial precedent supports the FEA's and the Congress' determination that the enactment of the EPAA of 1975 can lawfully reinstate the FEA's Mandatory Petroleum Allocation and Price Regulations as though they were continuously in force during the hiatus period, particularly where there was, as in this case, a clear expression of Congress' inention in this regard and extensive notice to the public that the EPAA of 1973 would be extended on a retroactive basis. *See Porter* v. *Senderowitz*, 158 F.2d 435 (3d Cir., 1946), *cert. denied*, 330 U.S. 848 (1947); *Porter* v. *Shibe*, 158 F.2d 68 (10th Cir. 1946); *Purvis* v. *United States*, 501 F.2d 311 (9th Cir. 1974); *First National Bank* v. *United States*, 420 F.2d 725 (Ct. Cl.), *cert. denied*, 398 U.S. 950 (1970).

II. *Guidelines for Determining Compliance with the FEA Regulations.*

A. *Civil Remedies.* Since the EPAA of 1975 reinstitutes the FEA Mandatory Petroleum Allocation and Price Regulations (Parts 210, 211, and 212, Chapter II of Title 10, Code of Federal Regulations) in effect on August 31, 1975 retroactive to that date, as stated above, FEA will apply its allocation and price regulations as though they had been in effect continuously since August 31, 1975. Persons subject to the regulations should carry out September transactions as though the EPAA of 1975 had been enacted prior to September 1, 1975.

This means, at a minimum, that any supplier/purchaser relationships terminated during the hiatus contrary to the regulations must be immediately reestablished and that that portion of prices charged during the hiatus in excess of amounts permitted by the regulations must immediately be refunded or rolled back. It is recognized, however, that in other types of cases, particularly in the allocation area, there may be some practical difficulties in retroactively implementing measures that will result in strict adherence to all other regulations during hiatus period. Thus, whether the FEA will require that steps other than reestablishing supplier/purchaser relationships and refunding overcharges be taken to remedy violations of the regulations during the hiatus will be determined on a case-by-case basis, depending upon the practical difficulties in doing so, the extent of injury already

incurred by any person and the degree to which further remedy would amount to a penalty on any person.

Corrective actions to conform transactions during the hiatus to the regulations should be voluntarily undertaken by the firms involved as soon as possible. For example, supplier/purchaser relationships that were terminated during the hiatus period contrary to the regulations in effect on August 31 should be reestablished promptly. Prices charged in excess of amounts permitted by the regulations in effect on August 31 should be refunded where the overcharged customers are identifiable and, with respect to unidentifiable customers, should be "rolled back" through a reduction in the *current* (as opposed to the maximum lawful) selling price until the full amount of the overcharge is returned to the marketplace. To insure that proper credit is given by the FEA for the rollback or refund of prices charged during the hiatus period, firms are advised to keep detailed records of any corrective action taken and to advise the FEA of such corrective action. Firms that have questions concerning the form of remedy that will be acceptable to the FEA should seek guidance from the FEA as soon as possible.

The FEA will audit transactions that occurred during the hiatus period in the normal course of its compliance program. To the extent that violations are found not to have been remedied, the FEA, as part of its normal compliance efforts, intends to issue remedial orders and take such other action as is authorized by regulations to secure compliance with the regulations and to remedy violations that occurred during the hiatus.

B. *Civil and Criminal Penalties.* The *ex post facto* clause of the U.S. Constitution limits the authority of Congress to apply a criminal statute retroactively. Therefore, it is the FEA's intention not to seek criminal penalties for willful violations of FEA regulations that occurred during the hiatus period.

It is less certain that the *ex post facto* clause applies to a statute that imposes civil penalties, as does the EPAA of 1973, as amended by the EPAA of 1975, although due process considerations of course remain applicable. Therefore, while as a general rule the FEA will not seek civil penalties for violations that occurred during the hiatus period, it expressly reserves the right to do so if the factual circumstances of a particular case appear to warrant such action.

Finally, while the FEA's authority to seek civil or criminal penalties for violations that occurred during the hiatus may be limited, the FEA does not consider such limitations to apply to violations of lawful orders issued after the hiatus period to remedy violations that occurred during the hiatus. As noted above, the FEA intends to issue orders after the hiatus period to remedy violations that occurred during the hiatus. Notwithstanding the FEA's general intent not to seek civil or criminal penalties for *violations of the regulations* during the hiatus period, a firm that willfully refuses to comply with a *remedial or other order* issued by the FEA to remedy a violation that occurred during the hiatus period will be fully subject to the civil and criminal penalties provided for in Section 5(a) of the EPAA of 1973 and Section 208 of the Economic Stabilization Act.

III. *Compliance with Price Regulations, Illustrative Examples.*

The following examples illustrate how the FEA's Mandatory Petroleum Price Regulations will be applied to transactions that occurred during the period September 1 to September 29, 1975.

Example 1 (Producers): On September 2, 1975, Firm A, a producer of crude oil, sold 100 barrels of crude oil to Firm B, a refiner. Of the 100 barrels, 60 barrels were old crude oil subject to the ceiling price rule contained in § 212.73 of the regulations, and 40 barrels were new and released crude oil pursuant to § 212.74 of the regulations. Payment was made September 17, 1975 for all 100 barrels at the free market prices for new and released crude oil.

Firm A is required to present to Firm B a revised invoice that correctly states the volumes of old, new, and released oil sold on September 2, 1975 and specifies that payment for 60 barrels is to be made at or below the ceiling price for old crude oil, in accordance with § 212.73, and that payment for 40 barrels is to be made at the September 2, 1975 posted or free market price for new and released crude oil, in accordance with § 212.74 and with Ruling 1974-11, "New" and "Released" Crude Oil (Current Free Market Price Under § 212.74). Amounts paid by Firm B in excess of the corrected prices shall be refunded.

Example 2 (Refiners): Firm B, a refiner, entered into the above transaction. For purposes of §§ 212.82 and 212.83, in computing prices for October, Firm B's cost of crude oil for the month of measurement September must be computed according to the corrected invoices presented by Firm A. Prices charged by Firm B in October in excess of amounts permitted by the regulations (including amounts carried forward from previous months and available in accordance with § 212.83(e)) shall be refunded to identifiable customers and, to the extent its customers cannot be identified, shall be "rolled back" in the form of reductions from current (as opposed to maximum lawful) selling prices.

Example 3 (Refiners): Firm B, a refiner, anticipating increased costs of crude oil purchased during September, began on September 1 to charge prices for refined petroleum products based on September costs of crude oil at free market price levels. In applying the formulae in § 212.83 to compute prices for September, Firm B's cost of crude oil must be computed from costs for crude oil purchased or landed in August, the month of measurement, and may not include the cost of crude oil purchased or landed in September. Prices charged by Firm B in September in excess of maximum lawful prices permitted by §§ 212.82 and 212.83 of the regulations (including amounts carried forward from previous months and available in accordance with § 212.83(e)) shall be refunded to identifiable customers and, to the extent its customers cannot be identified, shall be "rolled back" in the form of reductions from current (as opposed to maximum lawful) selling prices.

Example 4 (Resellers): Firm C, a reseller, purchased refined products from Firm B in the circumstances of Example 2 and received a refund of overcharges in September by Firm B. Firm C is required to recalculate its product costs in the month of September to reflect the refund and to make appropriate refunds or rollbacks to its customers to the extent that the recalculation has resulted in its own prices having been in excess of prices permitted by the regulations. That is, Firm C is similarly required to make appropriate refunds or rollbacks of prices charged in September in excess of amounts permitted by §§ 212.92 and 212.93 of the regulations (including amounts carried forward from previous months in accordance with § 212.93(e) and available in accordance with § 212.93(g)).

Example 5 (Leases): Firm E, a refiner, is the lessor of real property used by Firm F in retailing gasoline. On September 2, 1975, Firm E notified Firm F of its intent to exercise the lease termination clause of their contract because of Firm F's failure to convert to a 24-hour per day operation. Firm F did not operate 24 hours per day at any previous time.

Firm E's notice violates § 212.103(c) of the regulations and is therefore void.

Example 6 (Leases): Firm E, a refiner, is the lessor of real property used by Firm G in retailing gasoline. On September 2, 1975, Firm E notified Firm G of its intent to exercise a lease clause permitting it to increase the rent up to 50%.

Firm E's notice is void, but Firm G is entitled to a refund of any rent already paid by it in excess of the amounts provided for in § 212.103(a) of the regulations.

IV. *Compliance with Allocation Regulations, Illustrative Examples*

The following examples and discussion illustrate how the FEA's Mandatory Petroleum Allocation Regulations will be applied with regard to the September 1-29 hiatus period.

Example 7 (Supplier/wholesale purchaser relationships): Supplier H is the base period supplier of middle distillates to Firm J, a wholesale purchaser-reseller, and Firm K, a wholesale purchaser-consumer. On September 1, 1975, Supplier H notified Firms J and K that it would no longer supply them.

Supplier H must continue to supply Firm J since under § 211.9(a)(2)(i), supplier/wholesale purchaser-reseller relationships are fixed for the duration of the allocation program and may not be modified or terminated without FEA approval.

Supplier H must also continue to supply Firm K since supplier/wholesale purchaser-consumer relationships are also established for the duration of the program, as provided in § 211.9(a)(2)(ii),

unless the parties have given their mutual consent to the termination of the supplier/purchaser relationship. Only if Supplier H and Firm K had so consented and could establish that their consent was in fact mutual and voluntary, would their supplier/purchaser relationship be considered terminated.

Example 8 (New supplier/wholesale purchaser relationships): During September, 1975, Supplier H entered into a contract to supply middle distillates to Firm L, a wholesale purchaser-reseller, and also agreed to supply Firms M and N, both wholesale purchaser-consumers. On September 1, 1975, Firm M and its base period supplier had mutually consented to terminate their supplier/purchaser relationship. Firm N had been notified that its base period supplier no longer intended to supply it.

The supply contract between Supplier H and Firm L does not establish a valid supplier/wholesale purchaser-reseller relationship because FEA approval has not been obtained as required by § 211.12(e)(2)(ii). Unless Firm L is without a base period supplier or a new supplier as provided in § 211.10(e)(1), it may not even apply to FEA for assignment of Supplier H as its base period supplier.

The supply arrangement between Supplier H and Firm M may continue as a mutual arrangement as contemplated by § 211.12(e)(1). This new supplier/purchaser relationship is subject to the notice and approval provisions of § 211.12(e)(1)(ii) and (iii).

In the case of Firm N, however, the new relationship between it and Supplier H is not valid unless Firm N now arranges by mutual consent to terminate its supplier/purchaser relationship with its base period supplier, which unilaterally refused to supply it during September. If that termination is effected, Firm N is considered to have been without a base period supplier and is therefore able to enter into a mutual supply arrangement with Supplier H as provided by § 211.12(e)(1). In this event, the notice and approval provisions of § 211.12(e)(1)(ii) and (iii) apply.

Supplier H may, of course, supply purchasers with which it has no supplier/purchaser relationship to the extent that it has surplus product and has complied with the provisions of § 211.10(g).

Example 9 (Crude oil supplier/purchaser rule): On September 1, 1975 Firm O, a crude oil producer, contracted for the sale of its production to Firm P, to whom Firm O had never previously sold. Prior to September 1, 1975, Firm O had sold its production to Firm Q, which had purchased Firm O's production under a supplier/purchaser relationship in effect pursuant to § 211.63(a). Firm Q did not consent to the termination of its supplier/purchaser relationship with Firm O. Therefore, Firm Q continues to be entitled to purchase Producer O's production for the month of September 1975 and thereafter, except as to September 1975 production where the sale and delivery thereof to Firm Q is no longer feasible because it is no longer within Firm O's possession or control as of the date this ruling is published in the FEDERAL REGISTER. Crude oil which Firm O is otherwise contractually required to supply to Firm P but is still in Firm O's possession or control as of such publication date shall be delivered to Firm Q. This result would be identical if a broker or reseller, instead of Firm O, were the supplier to Firm Q.

In general, pursuant to the crude oil supplier/purchaser rule set forth in 10 CFR 211.63, all supplier/purchaser relationships in effect under contracts for sales, purchases, and exchanges of domestic crude oil on December 1, 1973 are required to remain in effect for the duration of the Mandatory Allocation Program. In accordance with the provisions of the EPAA of 1975, as a general rule, all crude oil supplier/purchaser relationships in effect under § 211.63 immediately prior to the period September 1 to 29, 1975 are required to be maintained in effect under § 211.63 for the period subsequent to August 31, 1975 during which the EPAA of 1973, as amended, is in effect.

If a valid termination under § 211.63 of Firm Q's supplier/purchaser relationship had been effected as of September 1, 1975, Firm O would no longer be required to sell its crude oil to Firm Q. Supplier/purchaser relationships required to be maintained under § 211.63 may be terminated by mutual consent of both parties and, as to new and released crude oil, may be terminated where the present purchaser of the crude oil refuses, after notice by the seller, to meet any bona fide offer for the crude oil by another purchaser at a higher lawful price. As to terminations by mutual consent, FEA has consistently ruled that any consent to such a termination must be made affirmatively in writing in light of the provisions of § 211.63. Accordingly, supplier/purchaser relationships in effect on August 31, 1975 may be terminated in the period September 1 to September 29, 1975 in the manner prescribed in § 211.63. No termination in this period is valid under § 211.63 unless effected in accordance with the provisions of that section.

Example 10 (Old oil allocation program): From September 1 to September 28, 1975 Firm R, a crude oil producer, sold its production to Firm S, a refiner. Firm R's entire production is classified as old crude oil under § 212.72 and therefore constitutes old oil (as defined in § 211.62) for purposes of the old oil allocation program set forth in § 211.67. All of such sales were made at a price in excess of the lawful ceiling price as computed under § 212.73.

Firm S must include the crude oil purchased from Firm R its crude oil receipts (in accordance with the provisions of § 211.62) and must report these particular receipts as old oil for purposes of § 211.66 and § 211.67, in accordance with the certification under § 212.131 received by Firm S from Firm R, regardless of the fact that Firm S may have paid an exempt price for the crude oil. Firm S's remedy in this case is to seek a refund from Firm R (under the procedures set forth in Example 1 above) for these sales made at a price in excess of the lawful ceiling price.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

OCTOBER 9, 1975.

[FR Doc.75-27717 Filed 10-9-75;4:30 pm]

Title 21—Food and Drugs

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

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 75N-0016]

PART 331—ANTACID PRODUCTS FOR OVER-THE-COUNTER (OTC) HUMAN USE

Testing Procedures

The Commissioner of Food and Drugs is amending the over-the-counter (OTC) antacid testing procedures in §§ 331.20, 331.23 (21 CFR 331.20, 331.23). This amendment shall be effective on November 14, 1975.

The Commissioner proposed, in the FEDERAL REGISTER of May 23, 1975 (40 FR 22553), to amend § 331.20(p) to provide for use of United States Pharmacopeia (U.S.P.) Purified Water, and to amend § 331.23 to provide for use of 25° C or 37° C ±3° C as the test temperature. No comments were received in response to the proposal during the comment period.

The Commissioner intends to require the simplest test that will yield uniform results and avoid unnecessary restrictions on testing procedures, unless there is a reasonable basis for such limitations. Since no comments were received, the Commissioner concludes that the proposed procedures should be adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended (21 U.S.C. 321, 352, 355, 371), and the Administrative Procedure Act (5 U.S.C. 553, 554, 702, 703, 704), and under authority delegated to the Commissioner (21 CFR 2.120), Part 331 is amended as follows:

1. By revising § 331.20(p).

§ 331.20 Apparatus and reagents.

* * * * *

(p) Purified Water U.S.P.

2. By revising § 331.23.

§ 331.23 Temperature standardization.

All tests shall be conducted at 25° C ±3°, or 37° C ±3°.

Effective date. This amendment shall be effective on November 14, 1975.

(Secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended (21 U.S.C. 321, 252 355 371); (5 U.S.C. 553, 554, 702, 703, 704).)

Dated: October 8, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-27604 Filed 10-14-75;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

The Acting Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for in § 1308.24 of Title 21 of the Code of Federal Regulations.

The Acting Administrator hereby finds that each of the following chemical laboratory, industrial, educational, or preparations and mixtures is intented for special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the package quantity does not present any significant potential for abuse, (b) contains either a narcotic or non-narcotic controlled substance and one or more adulternating or denaturing agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Acting Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, pursuant to section 202(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812(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 Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (see 38 FR 18380, July 2, 1973), and further, having been duly designated as Acting Administrator by Order No. 607–75 of the Attorney General, dated May 30, 1975, in accordance with the authority stated therein, and pursuant to the authority delegated to the Acting Administrator by § 0.132(d) of Title 28 of the Code of Federal Regulations, the Acting Administrator of the Drug Enforcement Administration hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

a. By amending § 1308.24(i) by adding the following chemical preparations.

§ 1308.24 Exempt chemical preparations.

* * * * *

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Analytical Systems	Toxi-Disc™ A, 121, A–1; 122, A–2; 124, A–4	Disc: ⅛ in x 0.2 mm	May 6, 1975
Do	Toxi-Disc™ B, 125, B–1; 126, B–2; 127, B–3; 128, B–4.	do	Do.
Bio-Rad Labs	Immunoelectrophoresis Barbital Buffer I, pH 8.6.	Dry-pack: 25.6 gm	Aug. 6, 1975
Do	Immunoelectrophoresis Barbital Buffer II, pH 8.6.	Dry-pack: 15.61 gm	Do.
Do	Immunoelectrophoresis Barbital Buffer III-s, pH 8.8.	Dry-pack: 15.07 gm	Do.
Paul B. Elder Co	338° F Tempilaq	Glass bottle: 16 fl. oz	July 3, 1975
Grand Island Biological Co	GIBFORM RBC Diluent	Glass bottle: 500 ml	July 23, 1975
Meloy Labs., Inc	Immunostat™ T3 Kit, No. K130	Cardboard box: 8⅝" x 5¼" x 2¼".	July 7, 1975
Do	Immunostat™ T4 Test Kit, No. K140	Cardboard box: 8⅝" x 5¼" x 2¼".	07–07–75
Syva Corp	Coulter Tox Cut-Off Calibrator	Vial: 1 ml	04–24–75
Do	Coulter Tox Opiate Enzyme Reagent	Vial: 1 and 2 ml	Do.
Do	Coulter Tox Methadone Enzyme Reagent	do	Do.
Do	Coulter Tox Amphetamine Enzyme Reagent	do	Do.
Do	Coulter Tox Barbiturate Enzyme Reagent	do	Do.
Do	Coulter Tox Cocaine Metabolite Enzyme Reagent.	do	Do.
Do	Emit DAU LOW Calibrator	Vial: 3 ml	7–29–75
Do	Emit DAU MEDIUM Calibrator	do	Do.
Do	Emit BENZODIAZEPINE METABOLITE Enzyme Reagent B.	Glass bottle: 5.5 ml	Do.
Do	do	Glass bottle: 50.0 ml	Do.
Teehnam, Inc	Benzoyl Egonine-BSA, lot No. 81–172–A	Glass vial: 8 ml	7–21–75
Do	Benzoyl Egonine-BSA, lot No. 81–172–B	do	Do.

* * * * * *

b. By amending § 1308.24(l) by deleting the following chemical preparations:

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
D. W. Jones Medical Labs	Toxi-Disc™ A; 121, A-1; 122, A-2; 124, A-4	Disc: ¼ in x 0.2 mm	May 6, 1975
Do	Toxi-Disc™ A; 125, B-1; 126, B-2; 127, B-3; 128, B-4.	do	Do.
Meloy Labs., Inc	Counterelectrophoresis Plates for HAA Detection F-211.	Plates: 10 determinations, 6 per kit.	Sept. 5, 1973
Do	Immunoelectrophoresis Kit with vial of Buffer G-202.	Plates: 6 per unit and vial: 12.15 gm.	Do.
Do	Counterelectrophoresis Plates G-302	Plates: 29 determinations.	Do.
Do	Counterelectrophoresis Kit G-303	Plates: 10 determinations, 6 per unit.	Do.
Do	Counterelectrophoresis Kit G-304	Plates: 29 determinations, 6 per unit.	Do.
Do	Electrophoresis Buffer Barbital pH 8.6 G-999.	Vial: 12.15 gm	Do.
Syva Corp	Emit DAU LOW Calibrator	Vial: 3 ml	May 3, 1973
Do	Emit DAU MEDIUM Calibrator	Vial: 3 ml	Do.
Do	Emit Tox Cut-Off Calibrator	Vial: 1 ml	Apr. 24, 1975
Do	Emit Tox Opiate Enzymes Reagent	Vial: 1 & 2 ml	Do.
Do	Emit Tox Methadone Enzyme Reagent	do	Do.
Do	Emit Tox Amphetamine Enzyme Reagent	do	Do.
Do	Emit Tox Barbiturate Enzyme Reagent	do	Do.
Do	Emit Tox Cocaine Metabolite Enzyme Reagent.	do	Do.

Effective date. This order is effective October 15, 1975. Any person interested may file written comments on or objections to the order on or before December 15, 1975. If any such comments or objections raise significant issues regarding any findings of fact or conclusion of law upon which the order is based, the Acting Administrator shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Acting Administrator shall reinstate, revoke or amend his original order as he determines appropriate.

Dated: October 7, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-27567 Filed 10-14-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7382]

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Temporary Regulations Relating to Requirement That Benefits Under a Qualified Plan Are Not Decreased on Account of Certain Social Security Increases

This document contains temporary income tax regulations (26 CFR Part 11) under section 401(a)(15) of the Internal Revenue Code of 1954, as added by section 1021(e) of the Employee Retirement Income Security Act of 1974 (Public Law 93-406, 88 Stat. 938), hereinafter referred to as "the Act", in order to provide rules relating to the requirement that benefits under a qualified plan are not decreased on account of certain social security increases. These temporary regulations are to remain in force and effect until superseded by permanent regulations.

Section 401(a) of the Internal Revenue Code of 1954 provides certain requirements for qualification of pension, profit-sharing, and stock bonus plans. Under paragraph (15) of section 401(a), as added by the Act, the benefits of a participant in a qualified plan may not be reduced by reason of an increase in benefit levels payable, or in the wage base, under title II of the Social Security Act if the increase takes place after the later of (1) September 2, 1974, or (2) the earlier of the date plan benefits are first received by the participant (or his beneficiary) or the date of the participant's separation from service.

Section 401(a)(15) and the temporary regulations apply with respect to benefits (1) which are being received under the plan by a participant or beneficiary or (2) to which a participant who is separated from service has nonforfeitable rights.

In part, section 401(a)(15) is a codification of administrative practice prior to the date of enactment of the Act. Under such administrative practice, certain qualified plans were not permitted to use increases in social security benefit levels to reduce the benefits they paid after a reduction to plan benefits was first applied to an employee's pension. The Act extended this prohibition to cases where the individuals concerned are separated from service prior to retirement and have nonforfeitable rights to plan benefits.

Section 401(a)(15) and the temporary regulations apply only to plans to which section 411, relating to minimum vesting standards, applies without regard to section 411(e)(2). Thus, these regulations do not apply to governmental plans, church plans, plans which have not at any time after the date of enactment of the Act provided for employer contributions, and plans established and maintained by a society, order, or association described in section 501(c)(8) or (9) of the Code, if no part of the contributions to or under such plans are made by employers of participants in such plans.

The temporary regulations provide that the rules of section 401(a)(15) apply to plans which supplement benefits provided under State or Federal laws other than the Social Security Act. Among such laws is the Railroad Retirement Act of 1937, which is specifically mentioned in section 206(b) of the Act (the counterpart, in title I of the Act, to section 401(a)(15) of the Internal Revenue Code).

The temporary regulations also cover the situation of a participant who separates from service and then returns to the service and to participation in the plan. The temporary regulations prohibit a reduction in benefits under the plan to the extent that the reduction would decrease the benefits or such a participation to a level below that which would have applied if he had not returned to the service.

Adoption of regulations. In order to prescribe temporary regulations relating to the requirement that plan benefits are not decreased by certain social security increases pursuant to section 401(a)(15) of the Internal Revenue Code of 1954, as added by section 1021(e) of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406, 88 Stat. 938), the following regulations are hereby adopted:

§ 11.401(a)-15 Requirement that plan benefits are not decreased on account of certain social security increases.

(a) *In general.* Under section 401(a)(15), a trust which is part of a plan to which section 411 applies (without regard to section 411(e)(2)) is not qualified under section 401 unless the plan of which such trust is a part provides as follows:

(1) *Benefit being received by participant or beneficiary.* A benefit (including a disability benefit) being received under the plan by a participant or beneficiary (other than a participant to whom subparagraph (2)(ii) of this paragraph applies, or a beneficiary of such a participant) is not decreased by reason of any post-separation social security benefit increase effective after the later of—

(i) September 2, 1974; or

(ii) The date of first receipt of any retirement benefit or disability benefit under the plan by the participant or by a beneficiary of the participant (whichever receipt occurs first).

(2) *Benefit to which participant separated from service has nonforfeitable right.* In the case of a benefit to which a participant has a nonforfeitable right under such plan—

(i) If such participant is separated from service and does not subsequently return to service and resume participation in the plan, such benefit is not decreased by reason of any post-separation social security benefit increase effective after the later of September 2, 1974, or separation from service; or

(ii) If such participant is separated from service and subsequently returns to service and resumes participation in the plan, such benefit is not decreased by reason of any post-separation social security benefit increase effective after September 2, 1974 and during separation

from service which would decrease the benefits to which he would have been entitled if he had not returned to service after his separation.

(b) *Post-separation social security benefit increase.* For purposes of this section, the term "post-separation social security benefit increase" means, with respect or a beneficiary of the participant, an increase in a benefit level or wage base under title II of the Social Security Act (whether such increase is a result of an amendment of such title II or is a result of the application of the provisions of such title II) occurring after the earlier of such participant's separation from service or commencement of benefits under the plan.

(c) *Illustration.* The provisions of paragraphs (a) and (b) of this section may be illustrated by the following example:

Example. A plan to which section 401(a)(15) applies provides an annual benefit at the normal retirement age, 65, in the form of a stated benefit formula less a specified percentage of the primary insurance amount payable under title II of the Social Security Act. The plan provides no early retirement benefits. In the case of a participant who separates from service before age 65 with a nonforfeitable right to a benefit under the plan, the plan defines the primary insurance amount as the amount which the participant is entitled to receive under title II of the Social Security Act at age 65, multiplied by the ratio of the number of years of service with the employer to the number of years of service the participant would have had if he had worked for the employer until age 65. The plan does not satisfy the requirements of section 401(a)(15), because social security increases that occur after a participant's separation from service will reduce the benefit the participant will receive under the plan.

(d) *Other Federal or State laws.* To the extent applicable, the rules discussed in this section will govern classifications under a plan supplementing the benefits provided by other Federal or State laws, such as the Railroad Retirement Act of 1937. See section 206(b) of the Employee Retirement Income Security Act of 1974 (Public Law 93-406, 88 Stat. 864).

(e) *Effect on prior law.* Nothing in this section shall be construed as amending or modifying the rules applicable to post-separation social security increases prior to September 2, 1974. See paragraph (e) of § 1.401-3.

(f) *Effective date.* Section 401(a)(15) and this section shall apply to a plan only with respect to plan years to which section 411 (relating to minimum vesting standards) is applicable to the plan without regard to section 411(e)(2).

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

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

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: October 8, 1975.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.75-27711 Filed 10-14-75;8:45 am]

SUBCHAPTER C—EMPLOYMENT TAXES

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Requirements With Respect to Certain Employment Tax Information Returns and Statements for Employees

CFR Correction

In Title 26, Code of Federal Regulations, Parts 30 to 39, revised as of April 1, 1975, several source citations appearing in brackets at the end of certain sections are incorrectly cited. The source citations are corrected as follows:

1. In § 31.6011(a)-1, on page 284, the source citation reading "39 FR 34527, September 26, 1974" should read "T.D. 7351, 40 FR 17144, April 17, 1975";

2. In § 31.6011(a)-4, on page 288, the source citation reading "39 FR 34527, September 26, 1974" should read "T.D. 7351, 40 FR 17144, April 17, 1975";

3. In § 31.6011(a)-5, on page 289, the source citation reading "39 FR 34527, September 26, 1974" should read "T.D. 7351, 40 FR 17145, April 17, 1975";

4. In § 31.6011(a)-9, on page 292, the source citation reading "39 FR 34527, September 26, 1974" should read "T.D. 7351, 40 FR 17145, April 17, 1975";

5. In §§ 31.6051-1, on page 297, 31.6051-2, on page 300, and 31.6053-2, on page 302, the source citations reading "39 FR 34528, September 26, 1974" should read "T.D. 7351, 40 FR 17145, April 17, 1975"; and

6. In §§ 31.6071(a)-1, on page 303, and 31.6081(a)-1, on page 304, the source citations reading "39 FR 34528, September 26, 1974" should read "T.D. 7351, 40 FR 17146, April 17, 1975".

Title 34—Government Management

CHAPTER II—OFFICE OF FEDERAL MANAGEMENT POLICY, GENERAL SERVICES ADMINISTRATION

SUBCHAPTER C—PROPERTY MANAGEMENT

[FMC 75-2]

PART 236—COMPATIBLE LAND USES AT FEDERAL AIRFIELDS

Federal Airfields

This document is promulgated pursuant to Executive Order 11717 dated May 9, 1973, Subject: Transferring Certain Functions from the Office of Management and Budget to the General Services Administration and the Department of Commerce; and under authority vested in the Administrator of General Services by the Federal Property and Administrative Services Act of 1949, as amended. This document prescribes general policy to achieve compatible land uses at Federal airfields.

Effective date: This regulation is effective September 30, 1975.

Dated: September 30, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

Sec.
236.1 Purpose.
236.2 Background.
236.3 Applicability and scope.
236.4 Policy and procedures.
236.5 Responsibilities.
236.6 Inquiries.

AUTHORITY: Executive Order 11717 (38 FR 12315, May 11, 1973).

§ 236.1 Purpose.

This part prescribes the executive branch's general policy with respect to achieving compatible land uses on either public or privately owned property at or in the vicinity of Federal airfields.

§ 236.2 Background.

(a) This part is prepared pursuant to Executive Order 11717 of May 9, 1973, which transferred certain real property management functions from the Office of Management and Budget to the General Services Administration.

(b) Federal airfields are employment centers. Nearby land holdings are attractive investments for housing developments, supportive business activities, and service industries. The general increase of development surrounding Federal airfields has not always considered noise levels and safety factors of flight operations. Complaints from residential and business owners has in some instances caused such actions as reduced takeoff weight, restriction of hours of operation, reduction of the number of flights, changes in takeoff and landing patterns, and noise abatement procedures. This type of action results in declining operating efficiencies which sometimes lead to closure or reduction in mission capability of multimillion dollar installations.

§ 236.3 Applicability and scope.

The provisions of this part are concerned with land use surrounding all airfields owned or operated by the Federal Government within the United States, its territories, trusts, and possessions. While most Federal airfields are operated by the Department of Defense, the policy also applies to airfields held and/or operated by any Federal agency. Federal air operations which are conducted at an airfield that is primarily non-Federal in character and/or not federally owned are excluded from the scope of this part.

§ 236.4 Policy and procedures.

(a) *Airfield plans.* (1) Operating agencies shall develop, and update as neces-

sary, an airfield land use plan for each Federal airfield. Each plan shall contain an analysis of land use compatibility problems and potential solutions which can serve as the basis for Federal real property acquisition and disposal decisions. More specifically, each plan shall cover as a minimum the following:

(i) Identify present incompatible land uses;

(ii) Identify land that if inappropriately developed would be incompatible;

(iii) Indicate types of desirable development for various land tracts;

(iv) Determine by detailed study of flight operations, actual noise and safety surveys if necessary, and best available projections of future flying activities, the restriction on land use due to noise characteristics and safety of flight;

(v) Appraise land values with probable development in the near future and for the long term; and

(vi) Review the airfield master plans to ensure that existing and future facilities siting is consistent with the policies in this circular.

(2) In developing airfield plans, operating agencies shall:

(i) Follow the review and comment procedures established under OMB Circular A-95;

(ii) Ensure that appropriate environmental factors are considered; and

(iii) Ensure that other local, State, or Federal agencies engaged in land use planning or land regulation for a given area have an opportunity to review and comment upon any proposed plan or modification thereof.

(b) *Coordination with State and local governments.* Operating agencies shall develop procedures for coordinating airfield plans with the land use planning and regulatory agencies in the area. Developing compatible land use plans may require working with local governments, local planning commissions, special purpose districts, regional planning agencies, State agencies, as well as other Federal agencies. Operating agencies may provide techn'cal assistance to local, regional, and State agencies to assist them in developing their land use planning and regulatory processes, to explain an airfield plan and its implications, and to generally work towards compatible planning and development in the area of an airfield.

(c) *Land management.* The airfield plan shall serve as the basis for new land acquisitions, property disposal, and other proposed changes in the operating agencies' real property holdings in the area of a Federal airfield. Proposed real property transactions should be based upon the following guidelines:

(1) Where it is practical and advisable, necessary rights in land within the defined compatible use area may be obtained by purchase, exchange, or donation, in accordance with all applicable laws and regulations. If a holding agency desires an exchange, GSA may accept a report of excess for property subject to the condition that the property be used to acquire the needed property by exchange;

(2) If fee title is currently held or subsequently acquired to an area where compatible uses could be developed and no requirement for a fee interest in the land exists except to prevent incompatible use, disposal actions shall be instituted. Only those rights and interest necessary to establish and maintain compatible uses shall be retained. Where proceeds from disposal would be inconsequential, consideration may be given to retaining fee title;

(3) If the cost of acquisition of required interest approaches closely the cost of fee title, consideration shall be given to whether acquisition of fee title would be to the advantage of the Government;

(4) This policy does not contemplate that all land surrounding airfields remain open space or in Federal ownership, but it does foster uses that are reasonably compatible with airfield operations; and

(5) Real property holdings of executive agencies involving Federal airfield compatible use issues are subject to survey by the General Services Administration. The development and delineation of compatible use areas by an agency does not preclude the Administrator of General Services from expressing contrary opinions regarding the appropriateness of the defined area.

§ 236.5 Responsibilities.

Heads of executive departments and agencies shall be responsible for promulgating such agency regulations, controls, and review actions as are necessary to comply fully with the provisions of this part. Regulations shall identify:

(a) Who is responsible for developing and issuing airfield plans;

(b) How those plans are to be reviewed by State and local governments, other Federal agencies, and the public; and

(c) Who has final approval authority and what is the effect of an approved plan (that is, is it advisory or binding on agency actions).

All Federal agencies (in addition to those operating airfields) having programs which affect or may affect the use of land near Federal airfields shall ensure that their programs serve to foster compatible land use in accordance with the plans developed by the operating agencies. All implementing regulations shall be evaluated for inflationary impact in accordance with Executive Order 11821. Copies of all implementing documents, upon issuance, shall be forwarded to General Services Administration (AMP), Washington, D.C. 20405.

§ 236.6 Inquiries.

Further information concerning this part may be obtained by contacting:

General Services Administration (AMP), Washington, D.C. 20405. Telephone: IDS 183-7528, FTS 202-343-7528.

[FR Doc.75-27444 Filed 10-14-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 442-3]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCE

Delegation of Authority to State of New York

Pursuant to the delegation of authority for the standards of performance for new stationary sources (NSPS) to the State of New York on August 6, 1975, EPA is today amending 40 CFR 60.4, Address, to reflect this delegation. A Notice announcing this delegation is published elsewhere in today's FEDERAL REGISTER. The amended § 60.4, which adds the address of the New York State Department of Environmental Conservation, to which reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on August 6, 1975, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations. This rulemaking is effective immediately, and is issued under the authority of Section 111 of the Clean Air Act, as amended. 42 U.S.C. 1857c-6.

Dated: October 4, 1975.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4 paragraph (b) is amended by revising subparagraph (HH) to read as follows:

§ 60.4 Address.

* * * * * *

(b) * * *

(HH)—New York: New York State Department of Environmental Conservation, 50 Wolf Road, New York 12233, attention: Division of Air Resources.

[FR Doc.75-27582 Filed 10-14-75;8:45 am]

[FRL 442-4]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of New York

Pursuant to the delegation of authority for national emission standards for hazardous air pollutants (NESHAPS) to the State of New York on August 6, 1975, EPA is today amending 40 CFR 61.04,

Address, to reflect this delegation. A Notice announcing this delegation is published elsewhere in today's FEDERAL REGISTER. The amended § 61.04, which adds the address of the New York Department of Environmental Conservation, to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on August 6, 1975, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 112 of the Clean Air Act, as amended.

42 U.S.C. 1857c-7

Dated: October 4, 1975.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In 61.04 paragraph (b) is amended by revising subparagraph (HH) to read as follows:

§ 61.04 Address.

* * * * *

(b) * * *

(HH)—New York: New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233, attention: Division of Air Resources.

* * * * *

[FR Doc.75-27581 Filed 10-14-75;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 442-6]

PART 421—NONFERROUS METALS MANUFACTURING POINT SOURCE CATEGORY

On June 9, 1975, notice was published in the FEDERAL REGISTER (40 FR 24539), that the Environmental Protection Agency (EPA or Agency) was proposing to amend effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the bauxite refining and secondary aluminum smelting subcategories of the nonferrous metals manufacturing category of point sources.

The purpose of this notice is to establish final amendments to the effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources in the nonferrous metals manufacturing category of point sources by amending 40 CFR Chapter I, Subchapter N, Part 421, the bauxite refining subcategory (Subpart A) and the secondary aluminum smelting subcategory (Subpart C). This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Kaiser Aluminum & Chemical Corporation submitted the only comment received. They requested that the definition of impoundment area contained in Subpart A, Bauxite Refining Subcategory, be changed so that impoundment area for the purposes of calculating the allowable excess rainfall discharge would include all catchment areas which collect and channel rainfall to the impoundment.

Most operators of bauxite refining plants collect the plant rainfall runoff, either in their mud ponds or in some other storage reservoir. This collection of runoff is performed as a matter of water conservation, since the bauxite refining process is water consuming. By suitable water management techniques, such as diversion of plant runoff when the storage ponds are approaching capacity, it is the opinion of the Agency that there is no need for relatively uncontaminated stormwater to contact and mix with process waste water and thereby become a contaminated process waste water. This regulation does not limit the discharge of rainfall runoff. Only discharges of process waste water are limited.

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, Part 421, Subparts A and C are hereby amended as set forth below. These amendments to the final regulation are promulgated as set forth below and shall be effective November 14, 1975.

Dated: October 6, 1975.

RUSSELL E. TRAIN,
Administrator.

1. Section 421.11 is amended by adding new paragraphs (d) and (e) to read as follows:

§ 421.11 Specialized definitions.

* * * * *

(d) For all impoundments the term "within the impoundment" for purposes of calculating the volume of process wastewater which may be discharged, shall mean the surface area within the impoundment at the maximum capacity plus the area of the inside and outside slopes of the impoundment dam and the surface area between the outside edge of the impoundment dam and seepage ditches upon which rain falls and is returned to the impoundment. For the purpose of such calculations, the surface area allowance for external appurtenances to the impoundment shall not be more than 30 percent of the water surface area within the impoundment dam at maximum capacity.

(e) The term "pond water surface area" for the purpose of calculating the volume of waste water shall mean the area within the impoundment for rainfall and the actual water surface area for evaporation.

2. Section 421.30 is amended to read as follows:

§ 421.30 Applicability; description of the secondary aluminum smelting subcategory.

The provisions of this subpart are applicable to discharges of fume-scrubbing wastewaters where aluminum fluoride or chlorine is used in the magnesium removal process and to wet residue milling and metal cooling wastewaters resulting from the recovery, processing, and remelting of aluminum scrap to produce metallic aluminum alloys.

[FR Doc.75-27580 Filed 10-14-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8-1—GENERAL

PART 8-7—CONTRACT CLAUSES

Drug Quality Assurance

Chapter 8, Title 41, Code of Federal Regulations, is amended as set forth below.

In Subpart 8-1.12, Responsible Prospective Contractors, §§ 8-1.1203-3 and 8-1.1205-50 are revoked. The first section contained obsolete cross-references to legal review provisions now contained in § 8-1.403, and such cross-references are deemed inappropriate to this subpart. The latter section is revoked to conform to a Veterans Administration-Food and Drug Administration agreement whereby Food and Drug Administration assumed responsibility for quality assurance of Veterans Administration's procurement of drugs, biologics, chemicals, and reagents, and the Veterans Administration will no longer make plant inspections related to such items.

In Part 8-7, Contract Clauses, § 8-7.150-17 is revoked as incompatible with the transfer of responsibility for quality assurance stated above. Sections 8-7.150-16, 8-7.150-18, and 8-7.150-22 have been revised to reflect agency policy of using precise terms denoting gender.

It is the general policy of the Veterans Administration to allow time for interested parties to participate in the rule making process (§ 1.12, Title 38, Code of Federal Regulations). However, the amendments herein concern agency procedure and practices. Therefore, the public rule making process is deemed unnecessary in this instance.

Part 8-1 is amended as follows:

§ 8-1.1203-3 [Revoked]

1. Section 8-1.1203-3 is revoked.

§ 8-1.1205-50 [Revoked]

2. Section 8-1.1205-50 is revoked.

Part 8-7 is amended as follows:

3. Section 8-7.150-16 is revised to read as follows:

§ 8–7.150–16 Commercial advertising.

All invitations for bids will include the following clause:

COMMERCIAL ADVERTISING

The bidder agrees that if a contract is awarded to him/her, as a result of this solicitation, he/she will not advertise the award of the contract in his/her commercial advertising in such a manner as to state or imply that the Veterans Administration endorses a product, project or commercial line of endeavor.

§ 8–7.150–17 [Revoked]

4. Section 8–7.150–17 is revoked.

5. In § 8–7.150–18, the second paragraph of the clause is revised to read as follows:

§ 8–7.150–18 Telecommunications equipment.

(a) * * *

SPECIAL NOTICE

* * * * *

However, within 5 days after award of contract, the Contractor will submit to the Contracting Officer literature describing the equipment he/she intends to furnish and indicating strict compliance with the specification requirements.

* * * * *

6. Section 8–7.150–22 is revised to read as follows:

§ 8–7.150–22 Services provided eligible beneficiaries.

The following clause will be included in all contracts covering services provided to eligible beneficiaries:

NONDISCRIMINATION IN SERVICES PROVIDED BENEFICIARIES

The contractor agrees to provide all services specified in this contract for any person determined eligible by the Chief Medical Director, or designee, regardless of the race, color, religion, sex, or national origin of the person for whom such services are ordered. The contractor further warrants that he/she will not resort to subcontracting as a means of circumventing this provision.

(72 Stat. 1114, sec. 205(c), 63 Stat. 390; 38 U.S.C. 210, 40 U.S.C. 486(c))

These regulations are effective October 15, 1975.

Approved: October 8, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75-27656 Filed 10-14-75;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER U—OCEANOGRAPHIC VESSELS

[CGD 75-031]

PART 193—FIRE PROTECTION EQUIPMENT

Immediate Availability of Water for Fire Mains

On June 12, 1975 there was published in the FEDERAL REGISTER (40 FR 25026) a notice of proposed rulemaking to provide flexibility in the means of making water pressure immediately available in the fire main of oceanographic vessels. Interested parties were given until July 28, 1975, to comment. No comments have been received.

In accordance with the foregoing, 46 CFR Chapter 1 is amended as set forth below.

(46 U.S.C. 390b, 526p; 49 U.S.C. 1655(b); 49 CFR 1.4(b); 1.46(b))

Effective date: These amendments become effective on November 17, 1975.

Dated: October 8, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

1. By revising § 193.05–5(b) to read as follows:

§ 193.05–5 Fire main system.

* * * * *

(b) Except as provided for in § 193.10–10(e), the fire main must be a pressurized or a remotely controlled system.

* * * * *

2. By amending § 193.10–5 by deleting the second sentence of paragraph (a), changing the pressure requirements of paragraph (c), and adding a new paragraph (i) as follows:

§ 193.10–5 Fire pumps.

* * * * *

(c) Each pump must be capable of delivering water * * * at a Pitot tube pressure of not less than 50 p.s.i. * * * Where ¾-inch hose is permitted by Table 193.10–5(a) the Pitot tube pressure may not be less than 35 p.s.i.

* * * * *

(i) Except as provided for in § 193.10–10(e), a sufficient number of hose streams for fire fighting purposes must be immediately available from the fire main at all times by either of the following methods:

(1) *Maintenance of water pressure.* (i) Water pressure must be maintained on the fire main at all times by the continuous operation of:

(A) One of the fire pumps; or,

(B) Another suitable pump capable of supplying one hose stream at a Pitot tube pressure of not less than 50 p.s.i. (35 p.s.i. for ¾-inch hose); or,

(C) A pressure tank capable of supplying one hose stream at a Pitot tube pressure of not less than 50 p.s.i. (35 p.s.i. for ¾-inch hose) for five minutes.

(ii) An audible alarm must be installed to sound in a continuously manned space if the pressure in the fire main drops to less than that necessary to maintain the minimum Pitot tube pressures specified in § 193.10–5(i)(1)(i).

(2) *Remote control of fire pumps.* (i) At least one fire pump must be capable of remote activation and control.

(ii) If the fire pump is in a continuously manned machinery space, the controls for operating it and the controls for all necessary valves must be located on the manned operating platform in that space.

(iii) If the fire pump is in an unmanned machinery space, the controls for its operation and the controls for all necessary valves must be located in:

(A) The fire control station, if any; or,

(B) The bridge, if there is no fire control station; or,

(C) readily accessible space acceptable to the Officer in Charge, Marine Inspection.

3. By changing pressure requirement in paragraph (c) of § 193.10–15.

* * * * *

(c) * * * The discharge of this quantity of water * * * must be at a minimum Pitot tube pressure of 50 pounds per square inch.

* * * * *

[FR Doc.75-27601 Filed 10-14-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20265; FCC 75-1126]

PART 73—RADIO BROADCAST SERVICES

AM Station Assignment Standards

1. The Commission has before it the following petitions for reconsideration of our Report and Order, 54 F.C.C. 2d 1 (1975), in the above-captioned proceeding.[1] The parties filing individual petitions are the Association for Broadcast Engineering Standards, Inc. (ABES, or the Association), the National Black Media Coalition (NBMC, or the Coalition), and Zondervan Broadcasting Corporation (Zondervan), licensee of WJBL and WJBL–FM, Holland, Michigan.[2] Two parties, KNUJ, Inc. (KNUJ), licensee of KNUJ and KNUJ–FM, New Ulm, Minnesota, and North Idaho Broadcasting Company (Idaho), licensee of standard broadcast Station KVNI, Coeur d'Alene, Idaho, filed a joint petition.[3] The law firm of McKenna, Wilkinson and Kittner (MWK) submitted comments in response to the ABES pleading.

2. This rule making proceeding was instituted by a Notice of Proposed Rule Making, 39 F.R. 42920, FCC 74–1307, released on December 5, 1974. The Notice contained a specific proposed amend-

[1] An Errata to this Report and Order was released on July 21, 1975 (FCC 75–844) correcting some inadvertent omissions and making editorial corrections.

[2] Zondervan did not file comments in the original proceeding, "since the public notice of the proposed rulemaking appeared to be directed primarily at power increases for existing broadcasters. . . ." Zondervan Petition, at 2. While we do not believe that this constitutes the "good reason" required by Section 1.106(b) of the rules, particularly in light of paragraph 6 of the Notice, we note that the issues raised by Zondervan have been the subject of numerous inquiries since the release of the Report and Order in this proceeding. We shall therefore take this opportunity to address these issues despite the procedural infirmities of this petition.

[3] Idaho was not a party to the original proceeding. However, since KNUJ was a party thereto, we need not consider the extent of Idaho's compliance with the requirements of Section 1.106(b).

ment of Section 73.37(e)(3) of the rules, as well as a general paragraph inviting comments on possible amendments of other standards set forth elsewhere in Section 73.37(e). We duly considered all the comments filed pursuant to the notice. Our conclusions, as well as a summary of the numerous pleadings submitted by interested parties, were fully set forth in our Report and Order, supra. In brief, we relaxed former acceptance criteria of Section 73.37(e) of our rules with respect to applications for new standard broadcast stations, both daytime-only and full-time, and for changes in existing stations. In addition, we limited significantly the operation of the Section 307(b) Suburban Community presumption, and provided for a 2.5 kilowatt power level for Classes II and III stations.

3. ABES generally supports liberalization of Section 73.37(e) with respect to improvement in existing facilities. However, citing the potential adverse economic impact on smaller market broadcasters flowing from undue proliferation of new stations in those markets, the petitioner seeks further restrictions on the assignment of new stations. Specifically, with respect to such assignments, the Association proposes an additional set of standards modeled generally after the Table of Maximum AM Station Assignments proposed by the Commission in 1963.[4] The number of stations available to any community would depend on its population and its proximity to major metropolitan centers. ABES also requests that the considerations underlying any Section 307(b) Suburban Community determinations be specified in more detail. In this regard, some further specifications are proposed. MWK, on the other hand, supports the limitation in the applicability of the Section 307(b) Suburban Community presumption adopted in the Report and Order, but would have the Commission "reiterate that whenever an existing suburban station . . . increases its coverage of [a nearby principal city], Suburban Community Policy consideration will not be applicable, . . . unless conflicting applications are involved." MWK comments, at 2.

4. We will reject the ABES proposal. We believe that a Table of Maximum Assignments is unnecessary to protect the viability of small market stations. A party fearing dire economic consequences from a proposed new operation may seek to raise a Carroll issue against that operation by filing a petition to deny. See Carroll Broadcasting Co. 2. F.C.C., 103 U.S. App. D.C. 346, 258 F. 2d 440 (D.C. Cir. 1958); see also, WLVA, Inc. 2. F.C.C., 148 U.S. App. D.C. 262, 459 F. 2d 1286 (D.C. Cir. 1972). Such a case-by-case approach seems to us particularly apt in light of the many individualized factors contributing to any one community's ability or inability to support a given number of radio stations. Further, we believe that our discussion of Section 307(b) Suburban Community considerations in the Report and Order adequately describes our present policy in that matter. See Report and Order, supra, at 21. We note, however, that MWK apparently has misconstrued our language there. Therefore, we emphasize that Section 307(b) considerations will always be applicable—the Report and Order merely provides that uncontested applications of a nature which heretofore has made them automatically subject to the Suburban Community presumption will henceforth receive case-by-case consideration. *Id.*

5. KNUJ and Idaho raise a question concerning the relationship between the new rules and our action in Docket No. 18110, which involved, inter alia, ownership of daily newspapers by broadcast licensees. See First Report and Order in Docket No. 18110, 22 F.C.C. 2d 306 (1970); Second Report and Order in Docket No. 18110, 50 F.C.C. 2d 1046 (1975). The petitioners assert that Note 8 of Section 73.35 of the rules could be read to preclude any improvements in a station owned by a party with a daily newspaper interest in the community of license.[5] Such a result, they argue, would be inconsistent with the underlying purpose of the present proceeding, i.e., to ease somewhat the former restrictions on AM service improvements. Accordingly, the petitioners seek a clarification of whether, and to what extent, the present proceeding was intended to supersede our multiple ownership rules.

6. We need not resolve the precise question posed by the petitioners, since it does not appear to us that any conflict between the cited rules exists. Rather, the question arises out of an overly narrow construction of Section 73.35(a) and Note 8 thereto. The parties themselves note that language in the First Report and Order in Docket No. 18110, supra, indicates that major changes at one station will not be barred if they would result in increased overlap of contours with another, commonly owned, station if the two stations are in different broadcast services, and if proscribed community encompassment already exists. See First Report and Order in Docket No. 18110, supra, at 315. Although the term "different broadcast services" in this limited context was not expressly expanded in the Second Report and Order in Docket No. 18110, supra, to include daily newspapers, we believe that, in the situation in question, a commonly owned newspaper should be treated as is a commonly owned station in a different broadcast service. As a result, in the situation posed by the petitioners, Section 73.35 would not act as a bar to a major change application, assuming that "proscribed encompassment" exists. Since the petitioners request only this clarification, we will consider their request as granted.

7. In its petition, the Coalition seeks rescission of the new rules and reopening of this proceeding. Three events which have occurred since the final date for filing comments are said to warrant such reconsideration. These are the decision in Garrett v. F.C.C., — U.S. App. D.C. ——, 513 F. 2d 1056 (D.C. Cir. 1975), our issuance of proposed amendments to our present equal employment opportunity rules,[6] and our institution of procedures to assure that citizens group receive public notices of proposed Commission actions.[7] Generally, NBMC asserts that, in their effect, the new assignment standards will primarily benefit white broadcasters while "perpetuat[ing] the present disparity between the number of Black-owned and white-owned radio stations." NBMC Petition, at 24. The central thrust of the Coalition's argument is that the new rules are unlawful because they do not contain an affirmative action plan aimed at encouraging minority participation in the ownership structure of the broadcast industry. In support of this contention, primary reliance is placed on Sections 303 and 307 of the Communications Act of 1934, as amended, and the decisions in TV 9, Inc. v. F.C.C., 161 U.S. App. D.C. 349, 495 F. 2d 929 (D.C. Cir. 1973) and Garrett, supra. Reference is also made to a variety of equal employment opportunity materials, judicial and statutory. In addition, NBMC argues that the Report and Order in this proceeding is defective in that it provides neither sufficient data supporting the change adopted nor a "minority impact statement". The Coalition also restates its argument, made in its comments in the original proceeding, that the Notice initiating that proceeding was procedurally defective in that the views of citizens groups were not actively solicited. See Report and Order, supra, at 6.

8. As an initial matter, we find the procedural issues raised by the Coalition to be lacking merit. As noted in our Report and Order, this proceeding was undertaken under the rule-making provisions of the Administrative Procedure Act. See 5 U.S.C. § 553. With respect to the legal sufficiency of an agency's rule making decision, that Act does not require the exhaustive fact-finding of an adjudicatory proceeding. 5 U.S.C. § 553(c); see also, WBEN, Inc. v. U.S., 396 F. 2d 601 (2d Cir. 1968), cert. denied, 393 U.S. 914 (1968). We believe that we have fully complied with the requirements of the Act in the discussion appearing at paragraphs 26–71 of the Report and Order. With respect to the find-

[4] Notice of Proposed Rule Making in Docket No. 15084. For the disposition of this matter, see Report and Order in Docket No. 15084, 2 R.R. 2d 1658 (1964).

[5] In relevant part, Note 8 to Section 73.35 reads:

". . . [Section 73.35(a)] will apply to . . . all applications for major changes in existing stations."

In relevant part, Section 73.35(a) reads:

"No license for a standard broadcast station shall be granted to any party . . . if such party directly or indirectly owns, operates, or controls . . . a daily newspaper and the grant of such license will result in the predicted or measured 2 mV/m contour, . . . encompassing the entire community in which such newspaper is published."

[6] Notice of Inquiry and Notice of Proposed Rule Making, 40 FR 31625, FCC 75-849, released July 25, 1975.

[7] Public Interest Mailing List, 40 FR 34641 (1975).

ings an agency is required to make in such a proceeding, § 553(c) of the Act reads as follows:

> . . . [T]he agency shall incorporate in the rules adopted a concise general statement of their basis and purpose . . .

A formal opinion specifically covering all rejected alternatives is not required in proceedings undertaken pursuant to this section. Consumers Union of United States, Inc. v. Consumer Product Safety Commission, 491 F. 2d 810, 812 (2d Cir. 1974). In addition, we are aware of no other statutory authority requiring us to prepare a statement of the particular type urged on us by the Coalition. Thus, no "minority impact statement" is required, and our failure to include one cannot validly be deemed error. We note also that NBMC has offered no new support for its claim regarding the adequacy of our notice procedures in this case, and we affirm our initial disposition of this claim. See Report and Order, supra, at 23.

9. We wish to emphasize that we are not insensitive to the "affirmative action" issues raised by the Coalition, nor are we oblivious to the duties imposed on us by the Communications Act and outlined by the Court in TV 9, supra, and Garrett, supra.[8] However, considering the Coalition's argument in the context of this proceeding, we find that the public interest would not be served by injecting an affirmative action program into our technical allocations rules. This is not to say that minority ownership, management, and/or programming must be ignored. On the contrary, requests for waivers of our rules based on these factors will be given the obligatory "hard look". See WAIT Radio v. F.C.C., 135 U.S. App. D.C. 317, 418 F. 2d 1153 (D.C. Cir. 1969); see also, Garrett, supra.[9] However, being subject to frequent change, these three elements may not appropriately be factored into the engineering standards governing station assignments. Such a rule would have to comprehend a number of complex and ephemeral variables. These include the nature and extent of minority participation in the applicant's ownership and/or management structures, the nature of the proposed programming, and the apparent need for such programming in any particular community. While these factors are not readily quantifiable, others which may also be of relevance—e.g., an applicant's record of broadcast service to minorities—are even less so. It is clear that these factors do not involve "general characteristics of the industry" which lend themselves to resolution in a technical allocations proceeding. Compare WBEN, Inc., supra. Given the nature of the problem before us, we are doubtful that we could frame a generalized standard which would be useful in all, or even most, situations.[10] On the contrary, we believe that a case-by-case approach offers the best method for weighing the various facts and circumstances presented in relation to the broad objectives of the rule, in order to determine where the public interest lies in each particular case. In light of this, the Coalition's petition will be denied.[11]

10. With its petition, the Coalition also filed a Motion for Stay of the effectiveness of the rules. We denied that motion by Memorandum Opinion and Order, FCC 75-974, released August 20, 1975. However, in disposing of the issues, we indicated that, in the interest of fairness, we would not "cut-off" any applications filed under the new rules until the NBMC petition had been fully considered. In light of our disposition of the Coalition's petition herein, applications filed under the new rules may now be cut-off, and their processing may be completed.

11. The central argument of Zondervan's petition concerns the operation of Note 7 of Section 73.37(e). Specifically, the following amendment to Section 73.37(e)(2)(ii) is proposed:

> (ii) That the proposed station would provide the community designated in the application with a first or second authorized nighttime aural transmission service (or which does not result in more than two authorized nighttime aural services), and that no FM channel is available for use in that community.

In support of this parenthetical addition to the existing rule, the petitioner notes that, where a licensee owns both an FM and a daytime-only AM station in a community, an application for full-time authority for the AM facility will only be acceptable if the community has no other FM or full-time AM stations. According to Zondervan, this is an anomaly, because, for the limited purpose of Note 7 of Section 73.37(e), such a grant of full-time authority would not affect the total number of nighttime services in the community, since commonly owned AM and FM facilities are counted as one service under the provisions of that note. Further, the petitioner asserts that the policy barring such applications deprives some areas of needed service, particularly in view of the limited number of FM receivers in many areas. In addition, the policy assertedly locks some licensees of FM/daytime-only AM combinations into competitively disadvantageous positions. Zondervan claims that the additional service provided as a result of its amendment would be generally consistent with the policies underlying the Report and Order, and would specifically benefit Holland, Michigan, Zondervan's community of license.[12] The petitioner also suggests revision or clarification of four other aspects of our Report and Order. With respect to Section 73.37(e), these suggestions include: addition of reference to Section 73.37(e)(1)(iii) in the last sentence of Note 5; substitution of the term "authorized" for "assigned" in the first and second sentences of Note 7; and insertion of the word "commercial" before "FM broadcast station" in the first sentence of Note 10. Zondervan also notes the omission from Section 73.41 of 5 kilowatts as an available power step.

12. Zondervan's proposal with respect to treatment of commonly-owned FM and daytime-only AM stations will be rejected. In liberalizing the rules, we intended the new standards to benefit all parties, incumbents and nonbroadcasters alike, in a uniform fashion. Thus, we framed the new criteria in terms of facilities already available in the community. See Sections 73.37(e)(1)(ii) and 73.37(e)(2)(ii). To amend the rule as proposed would open the criteria still further, but with the additional benefits flowing exclusively to owners of FM/daytime-only AM combinations. We do not believe that this specialized treatment would be consistent with our announced allocation policies, particularly with respect to the equivalency of FM and AM services and our view of them as complementary components of a single aural service. To permit the limited exception sought by Zondervan would be, in effect, to concede that nighttime AM service is in some way superior to FM service. This, of course, is contrary to our policy in this area and to the realities of the industry as we perceive them. See e.g., Report and Order in Docket No. 18651, 39 F.C.C. 2d 645 (1973). In addition, we believe it is not our purpose to cure competitive imbalances which, in many cases, are not correctable because of the limitations of the AM band and the manner in which it must be structured. We must, therefore, reject Zondervan's "competitive disadvantages" argument. We note, however, that this petition raises valid points concerning the four other aspects of our Report and Order. Insertion of the word "commercial" before both "FM broadcast station" and "standard broadcast station" in the first sentence of Note 10 would serve to codify our exclusion of noncommercial stations under the "aural services" rule. In addition, we neglected to include reference either to Section 73.37(e)(1)(iii) in the last sentence of Note 5 to Section 73.37(e), or to the power level of 5 kilowatts in the text of Section 73.41. It is clear from the Report and Order, and the Errata thereto, that inclusion of these terms was originally anticipated. Further, we believe that, in

[8] The other authorities cited by NBMC are not directly applicable to the issues involved in this proceeding. While generally indicative of various approaches, including our own, to equal employment opportunity, they do not assist us in making the particular public interest determinations presented in a technical allocations proceeding.

[9] In this regard, with respect to consideration of waiver requests, the Court in Garrett expressly noted as relevant the factors of minority programming, ownership and participation in management, as well as the applicant's history of "identification with [minority] listeners." 513 F. 2d at 1063.

[10] We note in this regard that no proposal of any description has been offered by NBMC in either the original proceeding or its present pleading.

[11] The Coalition also urges that the Commission create a Minority Affairs Office. Inasmuch as this suggestion was not raised in the original proceeding, and since it is clearly outside the scope of this rule making, this aspect of the petition will be summarily denied.

[12] Zondervan does not, however, address itself to the problem of cumulative increases in skywave interference which would ensue if all similarly situated daytimers were authorized to operate during nighttime hours.

Note 7 to Section 73.37(e), "authorized" should be substituted for "assigned," in order to avoid any confusion with the Table of FM Assignments found in Section 73.202 of the rules. Therefore, we will grant Zondervan's petition to the extent indicated [13] and deny it in all other respects.

13. *Accordingly, it is ordered*, That the petitions for reconsideration filed by the Association for Broadcast Engineering Standards, Inc. and the National Black Media Coalition are denied; the relief requested in the joint petition for reconsideration filed by KIUJ, Inc. and North Idaho Broadcasting Company is granted, and the petition for reconsideration filed by Zondervan Broadcasting Corporation is granted to the extent indicated in the text and denied in all other respects.

14. *It is further ordered*, That, effective October 14, 1975, Part 73 of the rules and regulations is amended as set forth in Appendix A hereto. Authority for this action is found in Sections 4(i), 303(r), 307(b), and 405 of the Communications Act of 1934, as amended.

(Secs. 4, 303, 307, 405, 48 Stat., as amended, 1066, 1082, 1083, 1095; 47 U.S.C. 154, 303, 307, 405)

Adopted: October 1, 1975.

Released: October 9, 1975.

FEDERAL COMMUNICATIONS COMMISSIONER,[14]
VINCENT P. MULLINS,
Secretary.

1. Notes 5, 7 and 10 to § 73.37(e) are revised to read as follows:

§ 73.37 Applications for broadcast facilities; showing required.

* * * * *

(e) * * *

NOTE 5: Where an application for a new unlimited time station proposes to provide a first or second nighttime aural transmission service to the community designated in the application, and daytime operation of the station would result in the provision of more than two aural transmission services for that community during daytime hours, the latter fact does not render the application unacceptable for filing. However, under such circumstances, the proposed daytime power shall not exceed the proposed nighttime power, absent a showing that, with higher daytime power, new daytime service would be provided pursuant to paragraphs (e)(1)(i) or (e)(1)(iii).

* * * * *

NOTE 7: Where a standard broadcast station and an FM broadcast station authorized to the same community are commonly owned, these stations shall be considered as providing a single aural transmission service to that community for the purpose of determining the acceptability of applications pursuant to paragraphs (e)(1)(ii) and (e)(2)(ii). Noncommercial educational FM stations and noncommercial educational standard broadcast stations authorized to the community shall not be included in this determination.

* * * * *

NOTE 10: Where the term "aural service" is used in paragraphs (e)(1)(iii) and (e)(2)(iii), it is intended to mean interference-free groundwave service provided by a commercial standard broadcast station with a field strength of 5 mV/m or higher, or service provided by a commercial FM broadcast station with a field strength of 3.16 mV/m (70 dBu) or higher. Stations whose transmitter sites are located more than 50 miles from the nearest boundary of the community designated in the application shall be excluded from consideration in determining the existence of such aural services.

* * * * *

2. Section 73.41 is amended to read as follows:

§ 73.41 Maximum rated carrier power, tolerances.

The maximum rated carrier power of a transmitter shall be at a power step recognized by the Commission's plan of allocation (250 watts, 500 watts, 1 kW, 2.5 kW, 5 kW, 10 kW, 25 kW, 50 kW) and shall not be less than the authorized power nor shall it be greater than the value specified in the following table:

* * * * *

[FR Doc.75-27651 Filed 10-14-75;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 501—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Reservations and Delegations of Authority

The purpose of this notice is to amend Part 501 of Title 49, Code of Federal Regulations, to reflect the delegations of powers and duties within the National Highway Traffic Safety Administration, resulting from the passage of the Federal-Aid Highway Amendments of 1974 (Pub. L. 93-643; Stat. 2281). These powers and duties were delegated by the Secretary of Transportation to the National Highway Traffic Safety Administrator, in § 1.51(i), of Title 49 of the Code of Federal Regulations (FR Doc. 75-10687; page 17992, Vol. 40) (§ 1.51 was revised to § 1.50 of Title 49, Code of Federal Regulations, by FR Doc. 75-25436; page 43909, Vol. 40) with respect to administering the following sections of Chapter 1, Title 23 of the United States Code, with the concurrence of the Federal Highway Administrator:

(1) Section 141, as it relates to certification of the enforcement of speed limits, and

(2) Section 154(a), (b), and (d) with respect to the National Maximum Speed Limit.

In addition, the delegation of authority to Regional Administrators regarding the approval or disapproval of proposed revisions to State Highway Safety Comprehensive Plans is reworded to clarify the language of that subsection.

The amendments set forth in this notice relate solely to the organization and assignment of duties within the agency and have no substantive regulatory effect. Notice and public procedure are therefore not required and the amendments may be made effective in less than 30 days after publication.

In consideration of the foregoing, effective September 22, 1975, section 501, Chapter V of Title 49, Code of Federal Regulations, is amended as set forth below.

1. In § 501.7, *Administrator's reservations of authority*, add a new paragraph (e).

§ 501.7 Administrator's reservations of authority.

* * * * *

(e) The authority under section 141, and section 154 (a) and (d) of Title 23 of the United States Code, with the concurrence of the Federal Highway Administrator, to disapprove any State certification or to impose any sanction on a State.

§ 501.8 [Amended]

2. In § 501.8(d), change the period at the end of the last line of paragraph (d) to semicolon and add the following: "administer sections 141, as it relates to certification of the enforcement of speed limits, and 154(a), (b) and (d) of title 23, United States Code, with the concurrence of the Federal Highway Administrator."

3. In § 501.8(h), substitute the following new wording for paragraph (3):

* * * * *

(h) * * *

(3) Approve or disapprove proposed revisions to State Highway Safety Comprehensive Plans that previously have been approved by Headquarters, NHTSA; portions of such plans that have been conditionally approved by Headquarters, NHTSA, may not be approved or disapproved for revision without the prior concurrence of the Associate Administrator for Traffic Safety Programs; approve or disapprove revisions to conditionally approved portions of Comprehensive Plans that concern standards administered by the Federal Highway Administration.

Effective date. September 22, 1975.

(Sec. 9(e) Department of Transportation Act (49 U.S.C. 1657(c)))

Issued on: October 7, 1975.

GENE G. MANNELLA,
Acting National Highway, Traffic Safety Administrator.

[FR Doc.75-27611 Filed 10-14-75;8:45 am]

[Docket No. 73-20; Notice 8]

PART 571—MOTOR VEHICLE SAFETY STANDARDS

Fuel System Integrity

The purpose of this notice is to amend Motor Vehicle Safety Standard No. 301, *Fuel System Integrity* (49 CFR 571.301) to extend the applicability of the stand-

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[13] As noted, these amendments do not alter our policies in these areas. Rather, the changes merely serve to clarify aspects of the rules which might otherwise have given rise to some confusion had the inadvertent omissions not been corrected. As a result, it is clear that the effective date/notice procedures set forth in the Administrative Procedure Act are inapplicable here. See 5 U.S.C 553(d)(3).

[14] Commissioner Hooks' statement filed as part of the original document.

ard to school buses with a GVWR in excess of 10,000 pounds. The amendment specifies conditions for a moving contoured barrier crash for school buses in order to determine the amount of fuel spillage following impact.

On October 27, 1974, the Motor Vehicle and Schoolbus Safety Amendments of 1974, amending the National Traffic and Motor Vehicle Safety Act, were signed into law (Pub. L. 93-492, 88 Stat. 1470). Section 103(i)(1)(A) of the Act, as amended, orders the promulgation of a safety standard establishing minimum requirements for the fuel system integrity of school buses. Standard No. 301 currently contains requirements for school buses with a GVWR of 10,000 pounds or less which will become effective beginning September 1, 1976. Larger school buses, which comprise approximately 90 percent of the school bus population, will be included in Standard No. 301 by this amendment.

A proposal to amend Standard No. 301 with respect to school buses, loading conditions, and spillage measurement time was published on April 16, 1975 (40 FR 17036). An amendment to the Standard specifying certain loading conditions and establishing a 30-minute fuel spillage measurement period was published on August 6, 1975 (40 FR 33036). At the request of several members of Congress, the period for comments on the school bus proposals was extended. This notice responds to the comments received with respect to the inclusion of school buses within the requirements of the standard.

Seven manufacturers opposed the requirement of a single impact test by a moving contoured barrier at any point on the school bus body, arguing that such a requirement would necessitate a proliferation of expensive tests in order to ensure compliance at every conceivable point of impact. The NHTSA does not agree. Although not specifying a particular impact point, the test condition allows for testing at the few most vulnerable points of each kind of school bus fuel system configuration. Therefore, only impacts at those points are necessary to determine compliance. On the basis of its knowledge of the bus design, a manufacturer should be able to make at least an approximate determination of the most vulnerable points on the bus body.

Two school bus body manufacturers requested a requirement that the manufacturer who installs the fuel system be responsible for compliance testing, while one chassis manufacturer argued that responsibility for compliance should rest with the final manufacturer. In most cases, if the basic fuel system components are included in the chassis as delivered by its manufacturer, the multistage vehicle regulations of 49 CFR Part 568 require the chassis manufacturer at least to describe the conditions under which the completed vehicle will conform, since it could not truthfully state that the design of the chassis has no substantial determining effect on conformity. Beyond that, however, the NHTSA position is that the decision as to who should perform the tests and who should take the responsibility is best not regulated by the government. The effect of Part 568 is to allow the final-stage manufacturer to avoid primary responsibility for conformity to a standard if it completes the vehicle in accordance with the conditions or instructions furnished with the incomplete vehicle by its manufacturer. Whether it does so is a decision it must make in light of all the circumstances.

This notice extends the proposed exclusion for vehicles that use fuel with a boiling point below 32° F. to school buses having a GVWR greater than 10,000 pounds. Fuel systems using gaseous fuels are not subject to the spillage problems against which this standard is directed.

The Vehicle Equipment Safety Commission requested that school buses be required to undergo static rollover tests and that the engine be running during the tests. Upon consideration, the NHTSA finds that a static rollover test for schoolbuses is impractical in light of the expensive test facility that would be required. A requirement that the engine be running during the impact test would make little difference in the resulting fuel spillage. Since the standard requires that the fuel tank be filled with Stoddard solvent during the impact test, the test vehicle would have to be equipped with an auxiliary fuel system for the engine. The expense of modifying the test vehicle to allow the engine to run during the test would not justify the minimal benefits resulting from a requirement that the engine be running. However, the fuel system integrity of school buses will be continually monitored and analyzed by the NHTSA. Therefore, suggestions such as these may be the subject of future rulemaking.

One school bus body manufacturer cited the infrequency of school bus fires resulting from collisions as a reason for ameliorating or eliminating altogether fuel system integrity requirements for school buses. In promulgating these amendments to Standard No. 301, the NHTSA is acting under the statutory mandate to develop regulations concerning school bus fuel systems. This statute reflects the need, evidently strongly felt by the public, to protect the children who ride in the school buses. They and their parents have little direct control over the types of vehicles in which they ride to school, and are therefore not in a position to determine the safety of the vehicles. Considering the high regard expressed by the public for the safety of its children, the NHTSA finds it important that the schoolbus standards be effective and meaningful.

The California Highway Patrol expressed the concern that these amendments would preempt State regulations to the extent that the State would be precluded from specifying the location of fuel tanks, fillers, vents, and drain openings in school buses. The standard will unavoidably have that effect, by the operation of section 103(d) of the National Traffic and Motor Vehicle Safety Act. However, although a State may not have regulations of general applicability that bear on these aspects of performance, the second sentence of the same section makes it clear that a State or political subdivision may specify higher standards of performance for vehicles purchased for its own use, although of course the Federal standards must be met in any case.

In addition to provisions directly relating to schoolbuses, this notice clarifies the loading condition amendments in the notice of August 6, 1975, by amending S5.1 to provide for testing with 50th percentile dummies. The wording of S6.1 is identical to that of the proposal.

In light of the foregoing, 49 CFR 571.301, Motor Vehicle Safety Standards No. 301, is revised to read as set forth below.

Effective date: July 15, 1976, in conformity with the schedule mandated by the 1974 Amendments to the Traffic Safety Act. However, the effective date of the amendment of S6.1 is October 15, 1975. Because the amendment to that paragraph clarifies the revision of certain requirements which became effective September 1, 1975, it is found for good cause shown that an effective date for the amendment of S6.1 less than 180 days after issuance is in the public interest.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); sec. 202, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1392); delegations of authority at 49 CFR 1.51 and 501.8).

Issued on October 8, 1975.

GENE G. MANNELLA,
Acting Administrator.

Section 571.301 is revised as follows:

§ 571.301 Standard No. 301; fuel system integrity.

S1. *Scope.* This standard specifies requirements for the integrity of motor vehicle fuel systems.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes.

S3. *Application.* This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks, and buses that have a GVWR of 10,000 pounds or less and use fuel with a boiling point above 32° F, and to schoolbuses that have a GVWR greater than 10,000 pounds and use fuel with a boiling point about 32° F.

S4. *Definition.* "Fuel spillage" means the fall, flow, or run of fuel from the vehicle but does not include wetness resulting from capillary action.

S5. *General requirements.*

S5.1 *Passenger cars.* Each passenger car manufactured from September 1, 1975, to August 31, 1976, shall meet the requirements of S6.1 in a perpendicular impact only, and S6.4. Each passenger car manufactured on or after September 1, 1976, shall meet all the requirements of S6, except S6.5.

S5.2 *Vehicles with GVWR of 6,000 pounds or less.* Each multipurpose passenger vehicle, truck, and bus with a GVWR of 6,000 pounds or less manufactured from September 1, 1976, to Au-

gust 31, 1977, shall meet all the requirements of S6.1 in a perpendicular impact only, S6.2, and S6.4. Each of these types of vehicles manufactured on or after September 1, 1977, shall meet all the requirements of S6, except S6.5.

S5.3 *Vehicles with GVWR of more than 6,000 pounds but not more than 10,000 pounds.* Each multipurpose passenger vehicle, truck, and bus with a GVWR of more than 6,000 pounds but not more than 10,000 pounds manufactured from September 1, 1976, to August 31, 1977, shall meet the requirements of S6.1 in a perpendicular impact only. Each vehicle manufactured on or after September 1, 1977, shall meet all the requirements of S6, except S6.5.

S5.4 *Schoolbuses with a GVWR greater than 10,000 pounds.* Each schoolbus with a GVWR greater than 10,000 pounds manufactured on or after July 15, 1976, shall meet the requirements of S6.5.

S5.5 *Fuel spillage: Barrier crash.* Fuel spillage in any fixed or moving barrier crash test shall not exceed 1 ounce by weight from impact until motion of the vehicle has ceased, and shall not exceed a total of 5 ounces by weight in the 5-minute period following cessation of motion. For the subsequent 25-minute period fuel spillage during any 1-minute interval shall not exceed 1 ounce by weight.

S5.6 *Fuel spillage: Rollover.* Fuel spillage in any rollover test, from the onset of rotational motion, shall not exceed a total of 5 ounces by weight for the first 5 minutes of testing at each successive 90° increment. For the remaining testing period, at each increment of 90° fuel spillage during any 1-minute interval shall not exceed 1 ounce by weight.

S6. *Test requirements.* Each vehicle with a GVWR of 10,000 pounds or less shall be capable of meeting the requirements of any applicable barrier crash test followed by a static rollover, without alteration of the vehicle during the test sequence. A particular vehicle need not meet further requirements after having been subjected to a single barrier crash test and a static rollover test.

S6.1 *Frontal barrier crash.* When the vehicle traveling longitudinally forward at any speed up to and including 30 mph impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, or at any angle up to 30° in either direction from the perpendicular to the line of travel of the vehicle, with 50th-percentile test dummies as specified in Part 572 of this chapter at each front outboard designated seating position and at any other position whose protection system is required to be tested by a dummy under the provisions of Standard No. 208, under the applicable conditions of S7, fuel spillage shall not exceed the limits of S5.5.

S6.2 *Rear moving barrier crash.* When the vehicle is impacted from the rear by a barrier moving at 30 mph, with test dummies as specified in Part 572 of this chapter at each front outboard designated seating position, under the applicable conditions of S7, fuel spillage shall not exceed the limits of S5.5.

S6.3 *Lateral moving barrier crash.* When the vehicle is impacted laterally on either side by a barrier moving at 20 mph with 50th-percentile test dummies as specified in Part 572 of this chapter at positions required for testing to Standard No. 208, under the applicable conditions of S7, fuel spillage shall not exceed the limits of S5.5.

S6.4 *Static rollover.* When the vehicle is rotated on its longitudinal axis to each successive increment of 90°, following an impact crash S6.1, S6.2, or S6.3, fuel spillage shall not exceed the limits of S5.6.

S6.5 *Moving contoured barrier crash.* When the moving contoured barrier assembly traveling longitudinally forward at any speed up to and including 30 mph impacts the test vehicle (schoolbus with a GVWR exceeding 10,000 pounds) at any point and angle, under the applicable conditions of S7.1 and S7.5, fuel spillage shall not exceed the limits of S5.5.

S7. *Test conditions.* The requirements of S5 and S6 shall be met under the following conditions. Where a range of conditions is specified, the vehicle must be capable of meeting the requirements at all points within the range.

S7.1 *General test conditions.* The following conditions apply to all tests.

S7.1.1 The fuel tank is filled to any level from 90 to 95 percent of capacity with Stoddard solvent, having the physical and chemical properties of type 1 solvent, Table I ASTM Standard D484–71, "Standard Specifications for Hydrocarbon Dry Cleaning Solvents."

S7.1.2 The fuel system other than the fuel tank is filled with Stoddard solvent to its normal operating level.

S7.1.3 In meeting the requirements of S6.1 through S6.3, if the vehicle has an electrically driven fuel pump that normally runs when the vehicle's electrical system is activated, it is operating at the time of the barrier crash.

S7.1.4 The parking brake is disengaged and the transmission is in neutral, except that in meeting the requirements of S6.5 the parking brake is set.

S7.1.5 Tires are inflated to manufacturer's specifications.

S7.1.6 The vehicle, including test devices and instrumentation, is loaded as follows:

(a) Except as specified in S7.1.1, a passenger car is loaded to its unloaded vehicle weight plus its rated cargo and luggage capacity weight, secured in the luggage area, plus the necessary test dummies as specified in S6, restrained only by means that are installed in the vehicle for protection at its seating position.

(b) Except as specified in S7.1.1, a multipurpose passenger vehicle, truck, or bus with a GVWR of 10,000 pounds or less is loaded to its unloaded vehicle weight, plus the necessary test dummies, as specified in S6., plus 300 pounds or its rated cargo and luggage capacity weight, whichever is less, secured to the vehicle and distributed so that the weight on each axle as measured at the tire-ground interface is in proportion to its GAWR. If the weight on any axle, when the vehicle is loaded to unloaded vehicle weight plus dummy weight, exceeds the axle's proportional share of the test weight, the remaining weight shall be placed so that the weight on that axle remains the same. Each dummy shall be restrained only by means that are installed in the vehicle for protection at its seating position.

(c) Except as specified in S7.1.1, a schoolbus with a GVWR greater than 10,000 pounds is loaded to its unloaded vehicle weight, plus 120 pounds of unsecured weight at each designated seating position.

S7.2 *Lateral moving barrier crash test conditions.* The lateral moving barrier crash test conditions are those specified in S8.2 of Standard No. 208, 49 CFR 571.208.

S7.3 *Rear moving barrier test conditions.* The rear moving barrier test conditions are those specified in S8.2 of Standard No. 208, 49 CFR 571.208, except for the positioning of the barrier and the vehicle. The barrier and test vehicle are positioned so that at impact—

(a) The vehicle is at rest in its normal attitude:

(b) The barrier is traveling at 30 mph with its face perpendicular to the longitudinal centerline of the vehicle; and

(c) A vertical plane through the geometric center of the barrier impact surface and perpendicular to that surface coincides with the longitudinal centerline of the vehicle.

S7.4 *Static rollover test conditions.* The vehicle is rotated about its longitudinal axis, with the axis kept horizontal, to each successive increment of 90°, 180°, and 270° at a uniform rate, with 90° of rotation taking place in any time interval from 1 to 3 minutes. After reaching each 90° increment the vehicle is held in that position for 5 minutes.

S7.5 *Moving contoured barrier test conditions.* The following conditions apply to the moving contoured barrier crash test.

S7.5.1 The moving barrier, which is mounted on a carriage as specified in figure 1, is of rigid construction, symmetrical about a vertical longitudinal plane. The contoured impact surface, which is 24.75 inches high and 78 inches wide, conforms to the dimensions shown in figure 2, and is attached to the carriage as shown in that figure. The ground clearance to the lower edge of the impact surface is 5.25 ± 0.5 inches. The wheelbase is 120 ± 2 inches.

S7.5.2 The moving contoured barrier, including the impact surface, supporting structure, and carriage, weighs 4,000 ± 50 pounds with the weight distributed so that 900 ± 25 pounds is at each rear wheel and 1100 ± 25 pounds is at each front wheel. The center of gravity is located 54.0 ± 1.5 inches rearward of the front wheel axis, in the vertical longitudinal plane of symmetry, 15.8 inches above the ground. The moment of inertia about the center of gravity is:

$I_x = 27 \pm 13.6$ slug ft²
$I_y = 3475 \pm 174$ slug ft²

S7.5.3 The moving contoured barrier has a solid nonsteerable front axle and fixed rear axle attached directly to the frame rails with no spring or other type of suspension system on any wheel. (The moving barrier assembly is equipped with a braking device capable of stopping its motion.)

S7.5.4 The moving barrier assembly is equipped with G78–15 pneumatic tires with a tread width of 6.0 ± 1 inch, inflated to 24 psi.

S7.5.5 The concrete surface upon which the vehicle is tested is level, rigid, and of uniform construction, with a skid number of 75 when measured in accordance with American Society of Testing and Materials Method E–274–65T at 40 mph, omitting water delivery as specified in paragraph 7.1 of that method.

S7.5.6 The barrier assembly is released from the guidance mechanism immediately prior to impact with the vehicle.

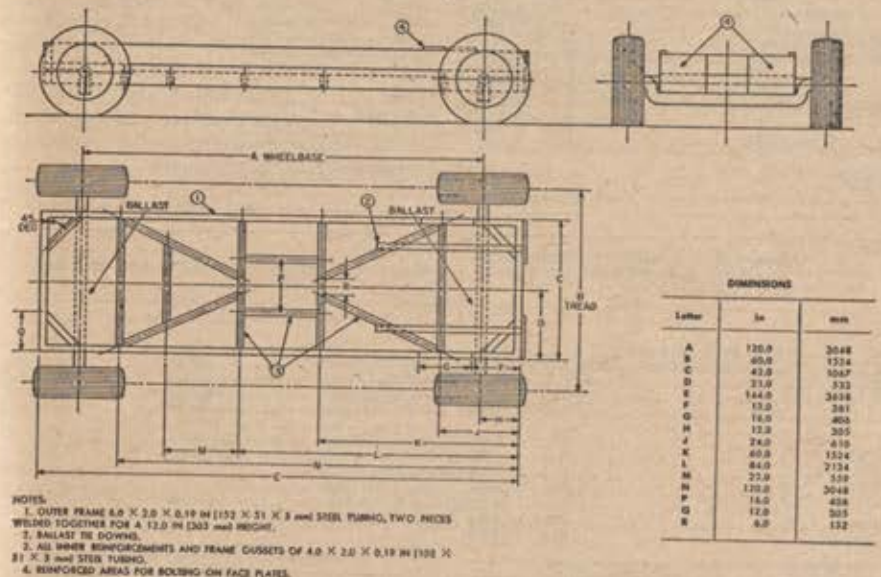

FIG. 1–COMMON CARRIAGE FOR MOVING BARRIERS

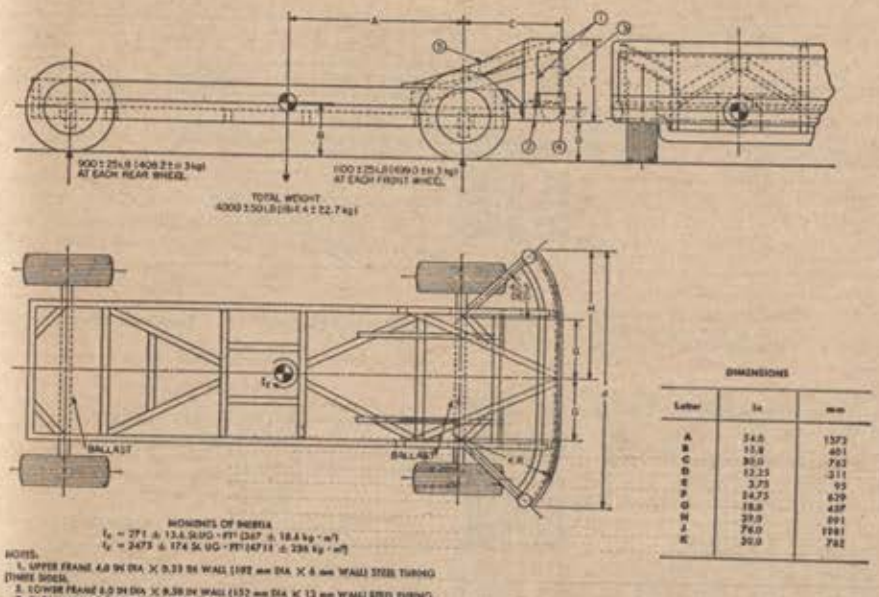

FIG. 2–COMMON CARRIAGE WITH CONTOURED IMPACT SURFACE ATTACHED

[FR Doc.75-27612 Filed 10-14-75;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI–717]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

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

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

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Jefferson	Mulga, town of	Oct. 3, 1975, emergency	Sept. 20, 1974		
Do	Talladega	Unincorporated areas	do	Dec. 13, 1974		
California	Los Angeles	Palmdale, city of	do	Oct. 18, 1974		
Florida	Washington	Unincorporated areas	Sept. 29, 1975 emergency			
Massachusetts	Middlesex	Stoneham, town of	Oct. 3, 1975, emergency	Aug. 2, 1974		
Do	do	Westford, town of	do	Oct. 18, 1974		
New York	Jefferson	Cape Vincent, town of	do	Apr. 25, 1974		
Do	Greene	Cairo, town of	do	Dec. 20, 1974		
Do	Chautauqua	Charlotte, town of	do	Oct. 18, 1974		
Do	St. Lawrence	Colton, town of	do	Feb. 14, 1975		
Do	Schoharie	Seward, town of	do	Sept. 20, 1974		
Do	Oswego	West Monroe, town of	do	do		
Oregon	Sherman	Grand Valley, city of	do	Nov. 22, 1974		
Pennsylvania	Armstrong	Wayne, township of	do	Sept. 13, 1974		
Do	Clarion	Clarion, borough of	do	Nov. 29, 1974		
Do	Crawford	Blooming Valley, borough of	do	Jan. 31, 1975		
Do	Susquehanna	Gibson, township of	do	Apr. 4, 1975		
Do	Warren	Mead, township of	do	Dec. 20, 1974		
Do	Monroe	Middle Smithfield, township of.	do			
South Carolina	Spartanburg	Pacolet Mills, township of	do	June 28, 1974		
West Virginia	Grant	Bayard, town of	do	Nov. 22, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Georgia	Chatham	Bloomingdale, city of	Oct. 6, 1975, emergency			
Iowa	Clayton	Farmersburg, city of	do	Nov. 1, 1974		
Do	Shelby	Portsmouth, town of	do			
Kansas	Barber	Kiowa, city of	do	Sept. 12, 1975		
Minnesota	Dakota	Vermillion, city of	do	Aug. 9, 1974		
New York	Wayne	Lyons, village of	do			
Do	Oneida	Vernon, village of	do	Mar. 8, 1974		
Ohio	Henry	Liberty Center, village of	do	Oct. 18, 1974		
Pennsylvania	Potter	Sharon, township of	do	Dec. 13, 1974		
Tennessee	Rhea	Dayton, city of	do	Mar. 1, 1974		
Virgin Islands		Virgin Islands	do			
West Virginia	Greenbrier	Corporation of Falling Springs, (Renick), city of.	do	Nov. 15, 1974 Aug. 1, 1975		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Mississippi	Rankin	Florence, town of	Oct. 7, 1975	Aug. 23, 1974		
Missouri	Franklin	Berger, city of	do	Aug. 30, 1974		
Nebraska	Kearney	Minden, city of	do	Sept. 12, 1975		
New York	Montgomery	Ames, village of	do			
Oklahoma	Noble	Morrison, town of	do			
Pennsylvania	Indiana	Shelocta, borough of	do	Aug. 16, 1974		
South Carolina	Anderson	Pendleton, town of	do	June 21, 1974		
Texas	Cameron	Bayview, town of	do	Apr. 25, 1975		
Do	Collin	Frisco, city of	do	Jan. 24, 1975		
Do	Gaines	Seminole, city of	do	May 24, 1974 Sept. 12, 1975		
Virginia	Scott	Dungannon, town of	do	Mar. 22, 1974		
Do	Giles	Pearisburg, town of	do			

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Coffee	Kinston, town of	October 8, 1975, emergency	Jan. 10, 1975		
Arkansas	Clay	McDougal, city of	do	Sept. 13, 1974		
Connecticut	Windham	Pomfret, town of	do	Sept. 20, 1974		
Florida	Escambia	South Flomaton, town of	do	Dec. 6, 1974		
Georgia	Tattnall	Reidsville, city of	do			
Michigan	Monroe	Bedford, township of	do	Feb. 15, 1974		
Minnesota	Chisago	Stacy, city of	do	Oct. 25, 1974		
Nebraska	Rock	Bassett, city of	do	Aug. 22, 1975		
Ohio	Columbiana	Hanoverton, village of	do	Aug. 9, 1974		
Pennsylvania	Allegheny	Mount Lebanon, township of.	do	Sept. 6, 1974		

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

Issued: September 30, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-27483 Filed 10-14-75;8:45 am]

[Docket No. FI-720]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

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

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

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Arkansas	White	Beebe, city of	October 9, 1975, emergency	Mar. 8, 1974		
California	Sutter	Unincorporated areas	do	Oct. 25, 1974		
Kansas	Hodgeman	Hanston, city of	do	Dec. 27, 1974		
Michigan	Mason	Pere Marquette, township of.	do			
Do	Calhoun	Marshall, township of	do			
New Jersey	Hunterdon	Hampton, borough of	do	June 7, 1974		
Ohio	Ottawa	Elmore, village of	do	July 11, 1975		
South Carolina	Abbeville	Abbeville, city of	do	May 31, 1974		
Texas	Bexar	Balcones Heights, city of	do	Aug. 15, 1975		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Georgia	Clinch	Unincorporated areas	October 10, 1975, emergency			
Illinois	Lee	Steward, village of	do	Sept. 13, 1974		
Kansas	Crawford	Unincorporated areas	do			
Massachusetts	Franklin	Erving, town of	do	June 28, 1974		
Do	Middlesex	Townsend, town of	do	Sept. 20, 1974		
New York	Schoharie	Schoharie, town of	do			
Do	Columbia	Stockport, town of	do	Oct. 18, 1974		
North Carolina	Columbus	Cerro Gordo, town of	do			
Rhode Island	Kent	West Greenwich, town of	do	Jan. 24, 1975		

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

Issued: October 1, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-27482 Filed 10-14-75;8:45 am]

[Docket No. FI-708]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Village of Palatine, Illinois

On February 20, 1973, in 38 FR 4669, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the Village of Palatine, Illinois, as an eligible community and included Map No. H 175170 02 which indicates that Lot 48, Virginia Lake Subdivision Unit No. 1, being 1027 Grissom Drive, Palatine, Illinois, and recorded in Book 790 of Plats, Page 39, as Document No. 20821259, in the office of the Clerk of Cook County, Illinois, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective February 16, 1973, Map No. H 175170 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

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

Issued: August 15, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-27702 Filed 10-14-75;8:45 am]

[Docket No. FI-446]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Overland Park, Kansas

On January 13, 1975, in 40 FR 2427, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Overland Park, Kansas, as an eligible community and included Map No. H 200174 12, which indicates that Lot 1, Block 18, of the subdivision known as Nall Hills, Overland Park, Kansas, as recorded in Book 20, Page 57, in the office of the Register of Deeds of Johnson County, Kansas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective January 3, 1975, Map No. H 200174 12 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-27703 Filed 10-14-75;8:45 am]

[Docket No. FI-440]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Houston, Texas

On January 10, 1975, in 40 FR 2190, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Houston, Texas, as an eligible community and included Map Nos. H 480296 45 and 58 which indicate that Northwest Crossing Section 1, as recorded in Deed Book 216, Page 103, and Northwest Crossing Section 2, Harris County, Texas, as recorded in Deed Book 218, Page 49 in the office of the Clerk of the Court of Harris County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Northwest Crossing Sections 1 and 2, with the exception of the Drainage Easements as shown on the respective recorded plat maps, are not within the Special Flood Hazard Area. Accordingly, effective December 27, 1974, Map Nos. H 480296 45 and 58 are hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: September 8, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-27704 Filed 10-14-75;8:45 am]

[Docket No. FI-707]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Alexandria, Virginia

On May 2, 1970, in 35 FR 7013, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Floor Insurance Rate Maps were available for public inspection. This list included the City of Alexandria, Virginia, as an eligible community and included Map No. H 515519 05 which indicates that Lot 4, Timber Branch Terrace Subdivision, being 676 Timber Branch Parkway, Alexandria, Virginia, as recorded in Deed Book 459, Page 328 in the Land Records of the Clerk of the Circuit Court of Alexandria, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective May 5, 1970, Map No. H 515519 05 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 2, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-27705 Filed 10-14-75;8:45 am]

[Docket No. FI-711]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Chesapeake, Virginia

On July 18, 1970, in 35 FR 11586, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Chesapeake, Virginia, as an eligible community and included Map No. H 510034 02 which indicates that Lots 8, 10, 11, and 12, Block 69, Norfolk Highlands Subdivision 1, Chesapeake, Virginia, as recorded in Map Book 10, Pages 63 and 65 in the office of the Clerk of Chesapeake, Virginia, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structures on the above property are not within the Special Flood Hazard Area. Accordingly, effective July 18, 1970, Map No. H 510034 02 is hereby corrected to reflect that the structures on the above property are not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 23, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-27706 Filed 10-14-75;8:45 am]

[Docket No. FI-704]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 18 which indicates that Lot 441, Section 7, Kings Park West, Fairfax County, Virginia, as recorded in Deed Book 3156, Pages 548 and 550 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above prop-

erty is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 16 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

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

Issued: September 15, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-27707 Filed 10-14-75;8:45 am]

[Docket No. FI-705]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 16 which indicates that Lot 613, Section 8, Brookfield Subdivision, being 13708 Lynncroft Drive, Chantilly, Virginia, as recorded in Deed Book 3400, Page 299 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 16 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

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

Issued: August 19, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-27708 Filed 10-14-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5625, 34-11721, 35-19203, AS-178]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

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

Research and Development Costs

AMENDMENTS OF REPORTING REQUIREMENTS

The purpose of these amendments is to conform to the requirements pertaining to the accounting and reporting for research and development costs in Regulation S-X [17 CFR 210], Form and Content of Financial Statements, and the standards established by the Financial Accounting Standards Board in Statement of Financial Accounting Standards No. 2, Accounting for Research and Development Costs, in October 1974. Differences exist between the requirements in Regulation S-X and FASB Statement No. 2 in that Statement No. 2 specifies in summary that research and development costs shall be charged to expenses as incurred, whereas various rules and items in Regulation S-X relate to the recordation and amortization of deferred research and development expenses.

The Commission stated, in Accounting Series Release No. 150 [39 FR 260], that the pronouncements of the FASB will be considered to constitute substantial authoritative support for accounting and reporting procedures and practices used in preparing financial statements filed with the Commission. In accordance with this policy, the Commission issued on November 21, 1974, Securities Act Release No. 5541 [39 FR 41856] (Securities Exchange Act Release No. 11109, Public Utility Holding Company Act Release No. 18667) which contained proposals to amend the affected rules and items in Regulations S-X, including Caption 20 in Rule 5-02 [§ 210.5-02], Schedule VII in Rule 5-04 [§ 210.5-04], Rule 12-08 [§ 210.12-08], and Items 3 and 8 in Rule 12-16 [§ 210.12-16], to eliminate the differences, and to add a new caption in Rule 5-03 [§ 210.5-03] to provide for disclosure in the financial statements of the research and development costs charged to expense as specified in Statement No. 2.

Comments received from the public indicated general agreement with the proposed amendments. Minor technical changes which were suggested in the comments on the proposals are reflected in these amendments. An instruction is added to the proposed new caption in the income statement (Caption 3A of Rule 5-03) for research and development expenses to permit the alternative of disclosing the amount of such expenses in a note to the financial statements. The interpretation and guideline in Accounting Series Release No. 141 [38 FR 6064] which pertains to Item 8, Research and development costs, under Rule 12-16 of Regulation S-X, is rescinded inasmuch as Item 8 is rescinded and because a definition of research and development is provided in FASB Statement No. 2 that is considered applicable to that term where it appears elsewhere in Regulation S-X. A reference to research and development expense in Rule 3-16(o)(1) of Regulation S-X [17 CFR 210.3-16(o)(1)] is deleted.

The Commission hereby adopts (1) amendments of 17 CFR 210 revising paragraph (1) of § 210.3-16(o), Caption 20 of § 210.5-02, the title of Schedule VII of § 210.5-04, the title and instruction Nos. 1, 3 and 7 of § 210.12-08, and Item 3 of § 210.12-16, adding Caption 3A to § 210.5-03, and deleting Item 8 of § 210.12-16; and (2) an amendment of Accounting Series Release No. 141 [38 FR 6064] rescinding an interpretation in Part A pertaining to Item 8, Research and development costs, in § 210.12-16. The rules, as amended, and the application of the amendment of the release are stated below. Part 210 (Regulation S-X)

§ 210.3-16. General notes to financial statements. (See Release No. AS-4.)

* * * * *

(o) *Income tax expense.* (1) Disclosure shall be made, in the income statement or a note thereto, of the components of income tax expense, including: (i) Taxes currently payable; (ii) the net tax effects, as applicable, of (A) timing differences (Indicate separately the amount of the estimated tax effect of each of the various types of timing differences, such as depreciation, warranty costs, etc. * * *) and (B) * * *

* * * * *

§ 210.5-02. Balance sheets.

* * * * *

20. Preoperating expenses and similar deferrals.

* * * * *

§ 210.5-03. Income statements.

* * * * *

3A. *Research and development expenses.* State here or in a note referred to herein the amount of the total research and development costs charged to expense.

* * * * *

§ 210.5-04. What schedules are to be filed.

* * * * *

Schedule VII. Intangible assets, preoperating expenses and similar deferrals.

* * * * *

§ 210.12-08. Intangible assets, preoperating expenses and similar deferrals. 1, 2, 7.

* * * * *

Instruction 1. The information required shall be presented in two parts: Part A—Intangible assets. Part B—Preoperating expenses and similar deferrals.

* * * * *

Instruction 3. Show by major classifications in each part, such as franchises, goodwill, etc.

* * * * *

Instruction 7. If an account for accumulated depreciation or amortization is maintained for any item of preoperating expenses and similar deferrals, § 210.12–09 shall apply to such accounts and that schedule shall be divided into parts A and B as shown above.

* * * * *

§ 210.12–16. Supplementary income statement information.[1]

* * * * *

Item 3. Depreciation and amortization of intangible assets, preoperating costs and similar deferrals.

* * * * *

Item 8. (Deleted).

* * * * *

Accounting Series Release No. 141 [38 FR 6064]. Part A—Interpretation relating to § 210.12–16, Supplementary income statement information. (The last paragraph, referring to Item 8, Research and development costs, is rescinded.)

* * * * *

The amendments are adopted pursuant to authority in Sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s] of the Securities Act of 1933; Section 12, 13, 15(d) and 23(a) [15 U.S.C. 78*l*, 78m, 78o (d) and 78w] of the Securities Exchange Act of 1934; and Sections 5(b), 14 and 20(a) [15 U.S.C. 79e, 79n, 79t] of the Public Utility Holding Company Act of 1935. The amendments are effective on November 15, 1975, for financial statements for fiscal years beginning on or after January 1, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 9, 1975.

[FR Doc.75–27964 Filed 10–14–75;11:44 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

REQUIREMENT THAT BENEFITS UNDER A QUALIFIED PLAN ARE NOT DECREASED ON ACCOUNT OF CERTAIN SOCIAL SECURITY INCREASES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by December 15, 1975. Pursuant to 26 CFR 601.601 (b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702 (d) (9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by December 15, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform such regulations to section 401(a)(15) of the Internal Revenue Code of 1954, as added by section 1021(e) of the Employee Retirement Income Security Act of 1974 (the "Act") (88 Stat. 939).

Section 401(a) of the Internal Revenue Code of 1954 provides certain requirements for qualification of pension, profit-sharing, and stock bonus plans. Under paragraph (15) of section 401(a), as added by the Act, the benefits of a participant in a qualified plan may not be reduced by reason of an increase in benefit levels payable, or in the wage base, under title II of the Social Security Act if the increase takes place after the later of (1) September 2, 1974, or (2) the earlier of the date plan benefits are first received by the participant (or his beneficiary) or the date of the participant's separation from service.

Section 401(a)(15) and the proposed regulations apply with respect to benefits (1) which are being received under the plan by a participant or beneficiary or (2) to which a participant who is separated from service has nonforfeitable rights.

In part, section 401(a)(15) is a codification of administrative practice prior to the date of enactment of the Act. Under such administrative practice, certain qualified plans were not permitted to use increases in social security benefit levels to reduce the benefits they paid after a reduction to plan benefits was first applied to an employee's pension. The Act extended this prohibition to cases where the individuals concerned are separated from service prior to retirement and have nonforfeitable rights to plan benefits.

Section 401(a)(15) and the proposed regulations apply only to plans to which section 411, relating to minimum vesting standards, applies without regard to section 411(e)(2). Thus, the proposed regulations do not apply to governmental plans, church plans, plans which have not at any time after the date of enactment of the Act provided for employer contributions, and plans established and maintained by a society, order, or association described in section 501 (c) (8) or (9) of the Code, if no part of the contributions to or under such plans are made by employers of participants in such plans.

The proposed regulations provide that the rules of section 401(a)(15) apply to plans which supplement benefits provided under State or Federal laws other than the Social Security Act. Among such laws is the Railroad Retirement Act of 1937, which is specifically mentioned in section 206(b) of the Act (the counterpart, in title I of the Act, to section 401(a)(15) of the Internal Revenue Code).

The proposed regulations also cover the situation of a participant who separates from service and then returns to the service and to participation in the plan. The proposed regulations prohibit a reduction in benefits under the plan to the extent that the reduction would decrease the benefits of such a participant to a level below that which would have applied if he had not returned to the service.

Proposed amendments to the regulations. In order to prescribe regulations under section 401(a)(15) of the Internal Revenue Code of 1954, as added by section 1021(e) of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406, 88 Stat. 938), the Income Tax Regulations (26 CFR Part 1) are amended by adding the following new section immediately after § 1.401-14:

§ 1.401(a)-15 Requirement that plan benefits are not decreased on account of certain social security increases.

(a) *In general.* Under section 401(a)(15), a trust which is part of a plan to which section 411 applies (without regard to section 411(e)(2)) is not qualified under section 401 unless the plan of which such trust is a part provides as follows:

(1) *Benefit being received by participant or beneficiary.* A benefit (including a disability benefit) being received under the plan by a participant or beneficiary (other than a participant to whom paragraph (a)(2)(ii) of this section applies, or a beneficiary of such a participant) is not decreased by reason of any post-separation social security benefit increase effective after the later of—

(i) September 2, 1974; or

(ii) The date of first receipt of any retirement benefit or disability benefit under the plan by the participant or by a beneficiary of the participant (whichever receipt occurs first).

(2) *Benefit to which participant separated from service has nonforfeitable right.* In the case of a benefit to which a participant has a nonforfeitable right under such plan—

(i) If such participant is separated from service and does not subsequently return to service and resume participation in the plan, such benefit is not decreased by reason of any post-separation social security benefit increase effective after the later of September 2, 1974, or separation from service; or

(ii) If such participant is separated from service and subsequently returns to service and resumes participation in the plan, such benefit is not decreased by reason of any post-separation social security benefit increase effective after September 2, 1974 and during separation from service which would decrease the benefits to which he would have been entitled if he had not returned to service after his separation.

(b) *Post-separation social security benefit* increase. For purposes of this sec-

tion, the term "post separation social security benefit increase" means, with respect to a participant or a beneficiary of the participant, an increase in a benefit level or wage base under title II of the Social Security Act (whether such increase is a result of an amendment of such title II or is a result of the application of the provisions of such title II) occurring after the earlier of such participant's separation from service or commencement of benefits under the plan.

(c) *Illustration.* The provisions of paragraphs (a) and (b) of this section may be illustrated by the following example:

Example. A plan to which section 401(a)(15) applies provides an annual benefit at the normal retirement age, 65, in the form of a stated benefit formula less a specified percentage of the primary insurance amount payable under title II of the Social Security Act. The plan provides no early retirement benefits. In the case of a participant who separates from service before age 65 with a nonforfeitable right to a benefit under the plan, the plan defines the primary insurance amount as the amount which the participant is entitled to receive under title II of the Social Security Act at age 65, multiplied by the ratio of the number of years of service with the employer to the number of years of service the participant would have had if he had worked for the employer until age 65. The plan does not satisfy the requirements of section 401(a)(15), because social security increases that occur after a participant's separation from service will reduce the benefit the participant will receive under the plan.

(d) *Other Federal or State laws.* To the extent applicable, the rules discussed in this section will govern classifications under a plan supplementing the benefits provided by other Federal or State laws, such as the Railroad Retirement Act of 1937. See section 206(b) of the Employee Retirement Income Security Act of 1974 (Public Law 93-406, 88 Stat. 864).

(e) *Effect on prior law.* Nothing in this section shall be construed as amending or modifying the rules applicable to post-separation social security increases prior to September 2, 1974. See paragraph (e) of § 1.401-3.

(f) *Effective date.* Section 401(a)(15) and this section shall apply to a plan only with respect to plan years to which section 411 (relating to minimum vesting standards) is applicable to the plan without regard to section 411(e)(2).

[FR Doc.75-27712 Filed 10-14-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 310]

[Docket No. 75N-0122]

INTRAUTERINE CONTRACEPTIVE DEVICES (IUD's)

Professional and Patient Labeling for Intrauterine Contraceptive Devices; Extension of Comment Period

Proposed professional and patient labeling for intrauterine contraceptive devices was published in the FEDERAL REGISTER of July 1, 1975 (40 FR 27796). The cutoff date for comments was September 2, 1975.

The Commissioner of Food and Drugs is aware that many physicians and other persons learned of the proposal through the July-August edition of the FDA Drug Bulletin (Vol. 5, #3), which issued in the latter part of August 1975.

To give all interested parties an adequate opportunity to respond to the proposal, the Commissioner hereby extends the comment period beyond the September 2 closing date to November 14, 1975.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (g), (h), 502, 505, 701(a), 52 Stat. 1040-1042, 1050-1053 as amended, 1055 (21 U.S.C. 321 (g), (h), 352, 355, 371(a))).

Dated: October 8, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-27605 Filed 10-14-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-710]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Town of Refugio, Refugio County, Texas

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Refugio.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain managements in identified floor hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Refugio.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor William O'Rear, P.O. Box 323, Refugio, Texas 78377. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the Federal Register, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-year flood boundary facing downstream	
			Left	Right
Mission River	South Alamo St	41	120	Corporate limits.
Tributary A	East Federacion St	42	900	Do.
	West North St	42	750	Do.
Dry Bayou	Pearl St	37	50	Do.
Tributary B	North Alamo St	47	150	90.
	Sw ft St	52	70	5.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: September 17, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-27701 Filed 10-14-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-017]

EXPOSURE TO COKE OVEN EMISSIONS

Proposed Standard; Rescheduled Hearing Date

On Thursday, July 31, 1975, a notice of proposed rulemaking regarding an occupational safety and health standard on occupational exposure to coke oven emissions was published in the FEDERAL REGISTER (40 F.R. 32268). An informal hearing on the proposal is scheduled for November 4, 1975. Written comments, data, views and arguments and notices of intention to appear are to be submitted by interested persons by September 30, 1975, in accordance with a notice published in the FEDERAL REGISTER on Thursday, September 4, 1975 (40 F.R. 40849).

The notice of proposed rulemaking provided that an inflation impact statement, as required by Executive Order 11821 (39 F.R. 41501, November 27, 1974), would be published on October 4, 1975, thirty days before the hearing. Since the publication of that notice, it has become apparent that the full inflation impact statement will not be available 30 days before the November 4, 1975 hearing date. Therefore, after the presentation of oral testimony at the hearing scheduled to begin on November 4, 1975, the hearing will be recessed. The hearing will be reconvened at least 30 days after notice of

the availability of the full inflation impact statement for public inspection and comment is published, whereupon further testimony will be accepted on the subject of inflationary impact.

This procedure has been concurred in by the Council on Wage and Price Stability in accordance with the Office of Management and Budget Circular No. A-107 (January 28, 1975), issued pursuant to Executive Order 11821. In all other respects, the procedures and provisions set out in the notices of July 31, 1975 (40 F.R. 32268) and September 4, 1975 (40 F.R. 40849) remain the same.

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

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-27678 Filed 10-14-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 74-257]

DRAWBRIDGE OPERATION REGULATIONS, AIWW, HALLANDALE, FLA.

Notice of Proposed Rule Making

At the request of the City of Hallandale, the Coast Guard is considering revising the regulations for the East Hallandale Beach Boulevard drawbridge (SR-824) across the Atlantic Intracoastal Waterway in Hallandale, Florida. This change will provide restricted periods when the draw need not open for the passage of vessels on a year-round basis, rather than the seasonal basis now in effect. This change is being considered because of a significant increase in vehicular traffic from May 16 through November 14. Also, the periods would begin at 7:15 a.m. rather than 10:15 a.m. as originally proposed at 39 FR 39046 dated November 5, 1974, because vehicular traffic counts show a heavy flow during this period.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1028, Federal Building, 51 SW First Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before November 14, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.446b to read as follows:

§ 117.446b SR-824 drawbridge, AIWW, Hallandale, Fla.

(a) The draw shall open on signal from 6:15 p.m. to 7:15 a.m. From 7:15 a.m. to 6:15 p.m. the draw need not open except on the quarter and three-quarter hour to allow any accumulated vessels to pass, and except as provided in paragraph (b) of this section.

(b) The draw shall open at any time for the passage of public vessels of the United States, tugs with tows, cruise boats operated on a regular schedule or vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(c) The owner of or agency controlling this bridge shall post, on both sides of the bridge, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

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

Dated: October 7, 1975.

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

[FR Doc.75-27602 Filed 10-14-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[41 CFR Part 9-9]

PATENTS, DATA, AND COPYRIGHTS

Proposed Policies and Procedures

The Energy Research and Development Administration (ERDA) was established by the Energy Reorganization Act of 1974 (Pub. L. 93-438). Pursuant to the authority contained in Section 105 of the Energy Reorganization Act of 1974 (Pub. L. 93-438) and 5 U.S.C. 552, all rules and regulations in Chapter 9 of Title 41, Code of Federal Regulations were adopted by ERDA for all ERDA activities under the Energy Reorganization Act of 1974, the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908), the Atomic Energy Act of 1954 (42 U.S.C. 2182), as amended, and other applicable law. However, these regulations did not fully implement Section 9 of Pub. L. 93-577 and to correct this deficiency, ERDA-PR Temporary Regulation No. 9 was published on April 15, 1975 (40 FR 16848) pending the issuance of a revision of ERDA-PR Part 9-9 which fully implements ERDA's legislative patent policies.

This Part sets forth the policies, procedures, and practices of ERDA in connection with inventions, patents, technical data, and copyrights based upon the Atomic Energy Act of 1954, as amended, and the Federal Nonnuclear Energy Research and Development Act of 1974; and, to the extent not inconsistent with the foregoing statutes, the revised Presidential Memorandum and Statement of Government Patent Policy, August 23, 1971 (36 FR 16887-16892).

The following proposed revision of Part 9-9 of the ERDA Procurement Regulations is being published for public comment and permissive use. Comments should be directed to:

James E. Denny, Assistant General Counsel for Patents, U.S. Energy Research and Development Administration, Washington, D.C. 20545.

All material received on or before December 1, 1975 will be considered and all comments in response to this proposal will be available for public inspection during normal business hours at ERDA's Public Document Room, 1717 H Street, N.W., Washington, D.C.

Dated: October 6, 1975.

ROBERT C. SEAMANS, JR.,
Administrator.

PART 9-9—PATENTS, DATA, AND COPYRIGHTS

Sec.
9–9.202–3 Procedures.
9–9.202–4 Procedures (Government-owned, contractor operated facilities and other special contracts.
9–9.202–5 Negotiations and deviations.

§ 9–9.000 Scope of part.

This part sets forth policies, instructions, and contract clauses pertaining to patents, data, and copyrights in connection with the procurement of supplies and services.

Subpart A—Patents

§ 9–9.100 Scope of subpart.

This subpart sets forth policies, procedures, and contract clauses with respect to inventions made or utilized in connection with any contracts, agreements, understandings, or other arrangements entered into with or for the benefit of ERDA. ERDA's primary mission in its R&D procurement process is not oriented toward reprocurement for Government use, but rather toward the development and ultimate commercial utilization of all efficient sources of energy. To accomplish this mission, ERDA must work in cooperation with industry in the development of new energy sources and in achieving the ultimate goal of widespread commercial use. To this end, Congress has provided ERDA with an array of incentives to secure the adoption of the new technology developed for ERDA. An important incentive in commercializing technology is that provided by the patent system. As set forth in these regulations, patent incentives, including ERDA's authority to waive the Government's patent rights to the extent provided for by the statute will be utilized in appropriate situations at the time of contracting to encourage industrial participation, foster commercial utilization and competition and make the benefits of ERDA's activities widely available to the public. In addition to considering the waiver of patent rights at the time of contracting, ERDA will also consider the incentive of a waiver of patent rights upon the reporting of an identified invention when requested by the contractor, or the employee-inventor with the permission of the contractor. These requests can be made whether or not a waiver request was made at the time of contracting. Waivers for an identified invention will be provided where it is determined that the patent waiver will be a real incentive to achieving the development and ultimate commercial utilization. Where a waiver of the Government patent rights is granted, either at the time of contracting or upon request or after an invention is made, certain safeguards will be required by ERDA to protect the public interest.

§ 9–9.101 [Reserved]

§ 9–9.102 Authorization and consent.

(a) Under 28 USC 1498, any suit for infringement of a United States patent based on the manufacture or use by or for the United States of an invention described in and covered by a patent of the United States by a contractor or by a subcontractor (at any tier) can be maintained only against the Government in the Court of Claims, and not against the contractor or subcontractor, in those cases where the Government has authorized or consented to the manufacture or use of the patented invention. Accordingly, to insure that work by a contractor or subcontractor under a Government contract may not be enjoined by reason of patent infringement, authorization and consent shall be given as provided below. The liability of the Government for damages in any such suit against it may, however, ultimately be borne by a contractor or subcontractor in accordance with the terms of any patent indemnity clause also included in the contract, and an authorization and consent clause does not detract from any patent indemnification commitment by a contractor or subcontractor. Therefore, both a patent indemnity clause and an authorization and consent clause may be included in the same contract.

(b) In certain contracting situations, such as those involving demonstration projects, consideration should be given to the impact of third party-owned patents covering technology that may be incorporated in the project which may ultimately affect widespread commercial use of the project results. In such situations, patent counsel should be consulted to determine what modifications, if any, should be made to the utilization of the Authorization and Consent and Indemnity provisions or what other action might be deemed appropriate.

(c) An authorization and consent clause shall not be used in contracts where both complete performance and delivery are to be outside the United States, its possessions or Puerto Rico.

§ 9–9.102–1 Authorization and consent in contracts for supplies or services.

The following contract clause shall be included in all contracts for supplies or services except:

(i) When prohibited by § 9–9.102(c); or

(ii) In contracts for research, development, or demonstration work in which the clause in § 9–9.102–2 is required.

AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent (without prejudice to any rights of indemnification) for all use and manufacture, in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract), of any invention described in and covered by a patent of the United States (i) embodied in the structure or composition of any article the delivery of which is accepted by the Government under this contract or (ii), utilized in the machinery, tools or methods the use of which necessarily results from compliance by the Contractor or the using subcontractor with (a) specifications or written provisions now or hereafter forming a part of this contract, or (b) specific written instructions given by the Contracting Officer directing the manner of performance. The entire liability to the Government for infringement of a patent of the United States shall be determined solely by the provisions of the indemnity clauses, if any, included in this contract or any subcontract hereunder (including any lower-tier subcontract), and the Government assumes liability for all other infringement to the extent of the authorization and consent hereinabove granted.

§ 9–9.102–2 Authorization and consent in contracts for research, development, or demonstration.

Greater latitude in the use of patented inventions may be necessary in a contract for research, development, or demonstration work than in a contract for supplies. Unless prohibited by § 9–9.102 (c), the following clause shall be included in all contracts calling exclusively for research, development, or demonstration work and may be included in contracts calling for both supplies and research, development, or demonstration work where the latter work is a primary purpose of the contract. In all other contracts for both supplies and research, development, or demonstration work, the Authorization and Consent clause in § 9–9.102–1 shall be used. If the following clause is included in a contract the clause in § 9–9.102–1 shall not be included.

AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract).

§ 9–9.103 Patent indemnification of Government by contractor.

In order that the Government may be reimbursed for liability for patent infringement arising out of or resulting from the performance of construction contracts or contracts for supplies which normally are or have been sold or offered for sale to the public in the commercial open market, or which are the same as such supplies with a relatively minor modification thereof, a clause providing for indemnification of the Government shall be included in such contracts in accordance with the instructions set forth below. However a Patent Indemnity clause normally shall not be used in contracts:

(a) When the Authorization and Consent clause in § 9–9.102–2 applicable to research, development, or demonstration contracts is authorized, except that in contracts calling also for supplies of the kind described above, the Patent Indemnity clause in § 9–9.103–3(b) may be used with respect to such supplies;

(b) When the contract is for supplies which clearly are not, or have not, been sold or offered for sale to the public in the commercial open market;

(c) When both performance and delivery are to be outside the United States, its possessions, or Puerto Rico, unless the contract indicates that the supplies are ultimately to be shipped into the United States, its possesions or Puerto Rico, in which case the instructions of § 9–9.103–1 or § 9–9.103–3 are applicable; or

(d) When the contract is for an amount of $10,000 or less (as a matter of administrative convenience, however,

the clause need not be deleted where it is a part of a standard form being used for contracts of $5,000 or less, since it is self-deleting).

§ 9–9.103–1 Patent indemnification in formally advertised contracts—commercial status predetermined.

Except as prohibited by § 9–9.103, the following clause is appropriate in formally advertised construction contracts and shall be included in formally advertised contracts for supplies when it has been determined in advance of issuing the invitation for bids that the supplies (or such supplies apart from relatively minor modifications to be made thereto) normally are or have been sold or offered for sale by any supplier to the public in the commercial open market.

PATENT INDEMNITY

If the amount of this contract is in excess of $10,000, the Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of any United States letter patent (except letters patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) arising out of the manufacture or delivery of supplies or out of construction, alteration, modification, or repair of real property (hereinafter referred to as "construction work") under this contract, or out of the use or disposal by or for the account of the Government of such supplies or construction work. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply to: (i) an infringement resulting from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered or in the materials or equipment to be used, or directing a manner of performance of the contract not normally used by the Contractor; (ii) an infringement resulting from addition to, or change in, such supplies or components furnished or construction work performed which addition or change was made subsequent to delivery or performance by the Contractor; or (iii) a claimed infringement which is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction.

§ 9–9.103–2 [Reserved]

§ 9–9.103–3 Patent indemnification in negotiated contracts.

A Patent Indemnity clause is not required to be included in negotiated contracts, but may be included in negotiated construction contracts, and in negotiated contracts for supplies when such supplies normally are, or have been sold or offered for sale to the public in the commercial open market, or are such supplies with relatively minor modifications made thereto.

(a) Subject to the foregoing and to the prohibitions in § 9–9.103, the clause in § 9–9.103–1 is approved for use in negotiated contracts for construction work or supplies.

(b) Except as prohibited by § 9–9.103, the following clause is appropriate in research, development, or demonstration contracts when it has been determined in advance of contracting that the contract will require standard supplies or utilize the contractor's normal practices or methods.

PATENT INDEMNITY

The Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of Letters Patent (except Letters Patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government (resulting from the Contractor's furnishing or supplying standard parts or components or utilizing its normal practices or methods in the performance of the contract or to any parts, components, practices, or methods as to which the Contractor has secured indemnification from liability. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply to a claimed infringement which is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction.

§ 9–9.103–4 Waiver of indemnity by the Government.

If it is desired to exempt one or more specified United States patents from the Patent Indemnity clause in § 9–9.103–1 and § 9–9.103–3(b), authority shall be obtained from the patent counsel assisting the procuring activity, and the following clause shall be included in the contract, in addition to the Patent Indemnity clause.

WAIVER OF INDEMNITY

Any provision of this contract to the contrary notwithstanding, the Government hereby authorizes and consents to the use and manufacture, solely in the performance of this contract, of any invention covered by the United States patents identified as listed below, and waives indemnification by the Contractor with respect to such patents: (Identify the patents by number or by other means if more appropriate).

§ 9–9.104 Notice and assistance.

The Government should be notified by the contractor of all claims of infringement in connection with the performance of a Government contract which come to the contractor's attention. The contractor should also assist the Government, to the extent of evidence and information in the possession of the contractor, in connection with any suit against the Government, or any claims against the Government made before suit has been instituted, on account of any alleged patent or copyright infringement arising out of or resulting from the performance of the contract. Accordingly, the following clause shall be included in all contracts in excess of $10,000 for supplies, services, construction, research, development, or demonstration work: *Provided*, That the clause shall not be included in contracts:

(a) Where both performance and delivery are to be outside the United States, its possessions, or Puerto Rico, unless the contract indicates that the supplies are ultimately to be shipped into the United States, its possessions, or Puerto Rico; or

(b) Of $10,000 or less (as a matter of administrative convenience, however, the clause need not be deleted when it is part of a standard form being used for such contracts since it is self-deleting.

NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT

The provisions of this clause shall be applicable only if the amount of this contract exceeds $10,000.

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of any claim or suit against the Government on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor shall furnish to the Government when requested by the Contracting Officer, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except where the Contractor has agreed to indemnify the Government.

(c) This clause shall be included in all subcontracts.

§ 9–9.105 [Reserved]

§ 9–9.106 Classified contracts.

Unauthorized disclosure of classified subject matter, whether in a patent application or resulting from the issuance of a patent, may be a violation of not only the Atomic Energy Act of 1954, as amended, and other laws relating to espionage and national security, but also provisions pertaining to disclosure of information incorporated in the contract. Accordingly, the following clause shall be included in every classified contract.

CLASSIFIED INVENTIONS

(a) The Contractor shall not file or cause to be filed on any invention or discovery conceived or first actually reduced to practice in the course of or under this contract, in any country other than the United States, an application or registration for a patent without first obtaining written approval of the Contracting Officer.

(b) When filing a patent application in the United States on an invention or discovery conceived of first actually reduced to practice in the course of or under this contract the subject matter of which is classified for reasons of security, the Contractor shall observe all applicable security regulations covering the transmission of classified subject matter. When transmitting the patent application to the United States Patent and Trademark Office, the Contractor shall by separate letter identify by agency and number the contract or contracts which require security classification markings to be placed on the application.

(c) The substance of this clause shall be included in all subcontracts which cover or are likely to cover classified subject matter.

§ 9–9.107 Patent rights under contracts for research, development and demonstration and under special contracts.

§ 9–9.107–1 General.

This subpart sets forth the policies, procedures, and practices of ERDA in connection with inventions, patents, and related matters based upon the Atomic Energy Act of 1954, as amended (42 USC 2182) and the Federal Nonnuclear Energy Research and Development Act of 1974 (42 USC 5908); and (to the extent not inconsistent with the foregoing statutes, the revised Presidential Memorandum and Statement of Government Patent Policy, August 23, 1971 (36 FR 16887–16892). Section 152 of the Atomic Energy Act provides that the title to inventions useful in the nuclear energy field made or conceived in the course of or under a contract, subcontract, or arrangement entered into for the benefit of the Commission (now ERDA) shall be vested in the Government. Government rights in such an invention may be waived consistent with the policy of Section 152. In a similar manner, Section 9 of the Federal Nonnuclear Energy Research and Development Act provides that title to inventions made or conceived in the course of or under ERDA contracts other than in the nuclear energy field shall vest in the Government and that all or parts of the rights of the Government in such inventions may be waived if it is determined, in conformity with the provisions of Section 9, that the interests of the United States and the general public will best be served by such waiver.

§ 9–9.107–2 [Reserved]

§ 9–9.107–3 Policy.

(a) Whenever any invention is made or conceived in the course of or under any contract of ERDA, title to such invention shall vest in the United States unless the Administrator or his designee waives all or any part of the rights of the United States. While waivers are to be granted only in conformity with the specific minimum considerations and under the carefully delineated conditions set forth in § 9–9.109–6, it is recognized that waivers comprise a necessary part of the commercialization incentives available to ERDA. It is intended, therefore, that waivers will be provided in appropriate situations to encourage industrial participation and foster rapid commercial utilization in the overall best interest of the United States and the general public. With regard to any waivers granted under this Part 9–9, ERDA shall maintain a publicly available, periodically updated record of such waiver determinations.

(b) In contracts calling for research, development or demonstration work and in other special contracts, the Government shall normally acquire title in and to any invention or discovery conceived or first actually reduced to practice in the course of or under the contract, allowing the contractor to retain a non-exclusive, revocable, paid-up license in the invention and the right to file, upon written request to ERDA, and retain title in any foreign country in which the Government does not elect to secure patent rights. The contractor's nonexclusive license retained in the invention may be revoked or modified by ERDA only to the extent necessary to achieve expeditious practical application of the invention pursuant to an application for and the grant of an exclusive license in the invention.

(c) In contracts providing for substantial Government investment for research, development or demonstration work and in other special contracts the Government may have to acquire the right to direct licensing of background patent rights to insure reasonable public availability and accessibility necessary to practice the results of the contract work in the field of technology specifically contemplated in the contract effort. The need for background patent rights and the particular rights that should be obtained for either the Government or the public will depend upon the type, purpose, and scope of the contract effort, the end use intended for the contract results, and the cost to the Government of obtaining such rights. Accordingly, the background patent rights provision which will be appropriate for many contract situations is included in the Patent Rights clause.

(d) Nothing in this Part 9–9 shall be deemed to convey to any individual, corporation or other business organization immunity from civil or criminal liability, or to create defenses to actions under the antitrust laws.

§ 9–9.107–4 Procedures.

(a) *Selection of Patent Rights clause.* (1) Whenever a contract, subcontract or other arrangement has as a purpose the conduct of research, development or demonstration work, the operation of a Government-owned research and production facility, the furnishing of architect-engineer, design or other special services, or the coordination and direction of the work of others, and in other special situations involving the use of Government-owned materials, equipment or classified technical data and information, the contracting officer shall include in the proposed contract either the Patent Rights clause of § 9–9.107–5 (a), or the clause of § 9–9.107–6. The clause set forth in § 9–9.107–6 may be used only in contracts calling for basic or applied research work with non-profit or educational institutions as set forth in paragraph (a)(5) of this section. Requests for proposals and proposed contracts shall provide offerors and prospective contractors with notice of and the opportunity to request, in advance of contracting, a waiver of all or any part of the rights of the United States with respect to inventions. In no event will offerors be asked to state their willingness to grant the Government principal or exclusive patent rights prior to a determination that proposals of equivalent merit have been presented. If an advance waiver is granted, the Patent Rights clause of § 9–9.107–5(a) shall be utilized and appropriately modified in accordance with the terms of such waiver.

(2) The Patent Rights clauses of § 9–9.107–5(a) and § 9–9.107–6 provide that the Government shall acquire title to inventions made in the course of or under the contract. However, the contractor shall retain a nonexclusive revocable license, and subject to ERDA security requirements and regulations, and may request the right to file and retain title in any foreign country in which the Government does not elect to secure patent rights. The contractor or the inventor may also retain greater rights than these after an invention has been identified and reported to ERDA if the Administrator or his designee determines that the interests of the United States and the general public will best be served by a waiver of such rights, utilizing the considerations set forth in § 9–9.109–6.

(3) The Patent Rights clauses shall normally include the provisions set forth in paragraph (1) of the clause § 9–9.107–5(a) and paragraph (f) of the clause in 9–9.107–6 requiring the contractor and its employees, consultants and subcontractors to agree to waive any claims for pecuniary award or compensation under the Atomic Energy Act of 1954, as amended, and requiring the contractor to obtain written agreements from its employees, consultants and subcontractors as to such waivers. If the contracting officer determines that the work to be performed under the contract would not be useful in the production or utilization of special nuclear material or atomic energy, such provisions may be omitted.

(4) The primary missions of ERDA may require that certain rights in the contractor's privately developed background patents be acquired for the Government's future production, research development and demonstration projects. Similar rights may also be required to enable private parties to utilize the technology developed or demonstrated with Government assistance in the field of technology specifically contemplated in the contract effort. To this end, subject to specified exceptions and negotiations the Patent Rights Clause in contracts over $250,000 shall normally include provisions obtaining rights of the type specified in § 9–9.107–5 to such background patents. It is recognized that the precise rights to be acquired will depend upon the facts of each situation and are a matter for determination by ERDA and for negotiation with the contractor. General guidelines for use by contracting officers and contract negotiators are provided in § 9–9.107–5(b).

(5) The short form Patent Rights clause in § 9–9.107–6 may be used in all contracts calling for basic or applied research where the contractor is a non-profit or educational institution, except in contracts calling for the operation of Government owned facilities, contracts in which an advance waiver has been granted, or in other special contracts.

(b) *License for the Government, States and municipal governments.* When

a waiver is granted or foreign rights are retained by either the contractor or the inventor, the Government shall retain for the United States, States, and municipal governments at least a paid-up, non-exclusive, irrevocable license in all applicable inventions unless the Administrator or his designee determines that it would not be in the public interest to acquire such rights for the States and municipal governments. Requests by contractors for such determinations, together with a justification therefor shall be submitted to the contracting officer. Where such requests are not part of a waiver request, the contracting officer shall refer such requests to the patent counsel assisting the procuring activity for forwarding the request, along with appropriate comments and recommendations, to the Assistant General Counsel for Patents to serve as a basis for a determination by the Administrator or his designee.

(c) *Right to sublicense foreign Governments.* The Patent Rights clause does not provide the Government with the right to grant sublicenses to a foreign government pursuant to any treaty or agreement in subject inventions to which the contractor has been granted greater or foreign rights. The Administrator or his designee may determine at the time of contracting that it would be in the national interest to acquire this right, or he may reserve the right to make this determination after the invention is identified. When such a determination is made or such right is reserved, the Patent Rights clause should be amended as set forth in § 9-9.107-5(d).

(d) *License rights (upon request) to the contractor.* Paragraph (c) of the Patent Rights clauses specifies the license rights retained by the contractor in inventions made in the course of or under the contract. In appropriate circumstances, such as in contracts for the operation of Government-owned facilities and in other appropriate contracting situations, this provision shall be modified to provide a revocable, nonexclusive, royalty-free license in inventions only upon request by the contractor for reservation of such license. In such situations, the paragraph set forth in § 9-9.107-5(e) shall be substituted for paragraph (c)(1) of the Patent Rights clause.

(e) *License rights to contractor (irrevocable).* Paragraph (c) of the Patent Rights clauses specifies that the license rights retained by the contractor in such inventions are revocable. In special circumstances the license may be irrevocable, in which case the paragraph set forth in § 9-9.107-5(f) shall be substituted for paragraph (c) of the Patent Rights clause. Since granting irrevocable licenses may interfere with ERDA's licensing program, which is intended to promote the commercial utilization of inventions resulting from its research, development, or demonstration programs, contractors desiring irrevocable licenses shall submit a written request with a justification to the contracting officer. The contracting officer shall refer such requests to the patent counsel assisting the procuring activity for forwarding the request, along with appropriate comments and recommendations to the Assistant General Counsel for Patents to serve as a basis for approval by the Administrator or his designee.

(f) *Subcontracts.* (1) The policy expressed in § 9-9.107-3 is applicable to prime contracts and to subcontracts regardless of tier. The Patent Rights clause of § 9-9.107-5(a) or § 9-9.107-6 shall be included in all subcontracts having as a purpose any of the types of work or services specified in § 9-9.107-4(a)(1). However, the Patent Rights clause contained in the prime contract is not to be deemed automatically appropriate for subcontracts. For example, it would not be appropriate to the extent that waivers have been granted the prime contractor at the time of contracting. A separate waiver, if any, must be obtained by subcontractors. Further, except for contracting situations involving the operation of Government-owned facilities and special contracting situations, the withholding of payment provision of the prime contract will normally not be included in a subcontract. Whenever either the prime contractor or a proposed subcontractor considers the inclusion of the Patent Rights clause of § 9-9.107-5(a) or § 9-9.107-6 to be inappropriate, or the subcontractor refuses to accept such a clause in its subcontract, the matter shall be referred prior to award of the subcontract to the contracting officer for resolution in accordance with § 9-9.107-4(i). Upon such referral, the same considerations and procedures followed in selecting the appropriate Patent Rights clause included in the prime contract shall be used in selecting the subcontract clause.

(2) Contractors shall not use their ability to award subcontracts as economic leverage to acquire rights for themselves in the inventions resulting from subcontracts.

(g) *Record of decisions.* Patent counsel assisting the procuring activity shall record the basis for the following actions: (1) Waivers at the time of contracting; (2) waivers granted on identified inventions; (3) determinations that no license need be obtained for States or municipal governments; (4) determinations that the right to sublicense foreign governments should be obtained; and (5) the grant of irrevocable licenses.

(h) *Publication of invention disclosures.* The Patent Rights clauses specify that the Government may duplicate and disclose invention disclosures reported under the contract. Since public disclosure before the filing of a U.S. patent application may create a bar to the filing certain foreign applications, the clause also requires that patent approval for release or publication of information relating to the contract work be secured from patent counsel prior to any such release or publication. When the contractor has requested certain foreign filing rights, provision is made for ERDA to use its best efforts to withhold release or publication of such information for a specified time period in accordance with paragraph (d)(1) of the clause in § 9-9.107-5(a) to permit the timely filing of a U.S. patent application by the contractor.

(i) *Negotiations and deviations.* Contracting officers shall contact the field patent counsel assisting their activity or the Assistant General Counsel for Patents, for assistance in selecting, negotiating or approving appropriate patent, copyright and data clauses. Any intended departures or deviations from the policy set forth in § 9-9.107-3, these procedures, or the clauses specified in this Part 9-9 shall be referred to the patent counsel or the Assistant General Counsel for Patents for review and approval prior to entering into a contractural arrangement. In the case of field activities, patent counsel will coordinate such review and assistance with the Chief Counsel in accordance with established local procedures.

§ 9-9.107-5 Clause for contracts (long form).

(a) *Patent Rights clause.* When the contracting officer has determined that a contract falls within § 9-9.107-4(a)(1), except where the clause of § 9-9.107-6 is applicable, the following clause shall be included in the contract.

PATENT RIGHTS

(a) *Definitions.* (1) "Subject Invention" means any invention or discovery of the contractor conceived or first actually reduced to practice in the course of or under this contract, and includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plants, whether patented or unpatented under the Patent Laws of the United States of America or any foreign country.

(2) "Contract" means any contract, grant, agreement, understanding or other arrangement, which includes research, development, or demonstration work, and includes any assignment, substitution of parties, or subcontract executed or entered into thereunder.

(3) "States and domestic municipal governments" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and any political subdivision and agencies thereof.

(4) "Government agency" includes an executive department, independent commission, board, office, agency, administration, authority, Government corporation, or other Government establishment of the Executive Branch of the Government of the United States of America.

(5) "To the point of practical application" means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

(6) "Patent Counsel" means the ERDA Patent Counsel assisting the procuring activity.

(b) *Allocation of principal rights.* (1) *Assignment to the Government.* The Contractor agrees to assign to the Government the entire right, title, and interest throughout the world in and to each Subject Invention, except to the extent that rights are retained by the Contractor under paragraphs (b)(2) and (c) of this clause.

(2) *Greater rights determinations.* The Contractor or the employee-inventor with authorization of the Contractor may request greater rights than the nonexclusive license and the right to request foreign patent rights provided in paragraph (c) of this clause on identified inventions in accordance with 41 CFR 9-9.109-6. Such requests must be submitted to the Contracting Officer or Patent Counsel at the time of the first disclosure pursuant to paragraph (e)(2) of this clause, or not later than 3 months thereafter, or such longer period as may be authorized by the Contracting Officer or Patent Counsel for good cause shown in writing by the Contractor.

(c) *Minimum rights to the Contractor.* (1) *Contractor license.* The Contractor reserves a revocable, non-exclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires title. The license shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant sublicenses of the same scope, and revocable under the same terms and conditions set forth herein. The license shall be assignable only with approval of ERDA except to the successor of that part of the contractor's business to which the invention pertains.

(2) *Revocation limitations.* The Contractor's nonexclusive license retained pursuant to paragraph (c)(1) of this clause and sublicenses granted thereunder may be revoked or modified by ERDA, either in whole or in part, only to the extent necessary to achieve expeditious practical application of the Subject Invention under ERDA's published licensing regulations (10 CFR 781), and only to the extent an exclusive license is actually granted. This license shall not be revoked in that field of use and/or the geographical areas in which the Contractor, or its sublicensee, has brought the invention to the point of practical application and continues to make the benefits of the invention reasonably accessible to the public, or is expected to do so within a reasonable time.

(3) *Revocation procedures.* Before modification or revocation of the license or sublicense, pursuant to paragraph (c)(2) of this clause, ERDA shall furnish the Contractor a written notice of its intention to modify or revoke the license and any sublicense thereunder, and the Contractor shall be allowed 30 days (or such longer period as may be authorized by the Patent Counsel for good cause shown in writing by the Contractor) after such notice to show cause why the license or any sublicense should not be modified or revoked. The Contractor shall have the right to appeal, in accordance with 10 CFR 781, any decision concerning the modification or revocation of his license or any sublicense.

(4) *Foreign patent rights.* Upon written request to the Contracting Officer or Patent Counsel, in accordance with paragraph (e)(2)(i) of this clause, and subject to ERDA security regulations and requirements, there may be reserved to the Contractor, or the employee-inventor with authorization of the Contractor, the patent rights to a Subject Invention in any foreign country where the Government has elected not to secure such rights provided:

(i) The recipient of such rights, when specifically requested by ERDA and three years after issuance of a foreign patent disclosing said Subject Invention, shall furnish ERDA a report setting forth:

(1) The commercial use that is being made, or is intended to be made, of said invention, and

(2) The steps taken to bring the invention to the point of practical application or to make the invention available for licensing.

(ii) The Government shall retain at least an irrevocable, nonexclusive, paid-up, license to make, use, and sell the invention throughout the world by or on behalf of the Government (including any Government agency) and States and domestic municipal governments, unless the Administrator or his designee determines that it would not be in the public interest to acquire the license for the State and domestic municipal governments.

(iii) Subject to the rights granted in (c)(1), (2) and (3) of this clause, the Administrator or his designee shall have the right to terminate the foreign patent rights granted in this paragraph (c)(4) in whole or in part unless the recipient of such rights demonstrates to the satisfaction of the Administrator or his designee that effective steps necessary to accomplish substantial utilization of the invention have been taken or within a reasonable time will be taken.

(iv) Subject to the rights granted in (c)(1), (2), and (3) of this clause, the Administrator or his designee shall have the right, commencing four years after foreign patent rights are accorded under this paragraph (c)(4) to require the granting of a nonexclusive or partially exclusive license to a responsible applicant or applicants, upon terms reasonable under the circumstances and in appropriate cricumstances to terminate said foreign patent rights in whole or in part, following a hearing upon notice thereof to the public, upon a petition by an interested person justifying such hearing:

(A) If the Administrator or his designee determines, upon review of such material as he deems relevant, and after the recipient of such rights, or other interested person, has had the opportunity to provide such relevant and material information as the Administrator or his designee may require that such foreign patent rights have tended substantially to lessen competition or to result in undue market concentration in any section of the United States in any line of commerce to which the technology relates; or

(B) Unless the recipient of such rights demonstrates to the satisfaction of the Administrator or his designee at such hearing that the recipient has taken effective steps, or within a reasonable time thereafter is expected to take such steps, necessary to accomplish substantial utilization of the invention.

(d) *Filing of patent applications.* (1) With respect to each Subject Invention in which the Contractor or the inventor requests foreign patent rights in accordance with paragraph (c)(4) of this clause, a request may also be made for the right to file and prosecute the U.S. application on behalf of the U.S. Government. If such request is granted, the Contractor or inventor shall file a domestic patent application on the invention within 6 months after the request for foreign patent rights is granted, or such longer period of time as may be approved by Contracting Officer or Patent Counsel for good cause shown in writing by the requestor. With respect to the invention, the requestor shall promptly notify the Contracting Officer or Patent Counsel of any decision not to file an application.

(2) For each Subject Invention on which a domestic patent application is filed by the Contractor or inventor, the Contractor or inventor shall:

(i) Within 2 months after the filing or within 2 months after submission of the invention disclosure if the patent application previously has been filed, deliver to the Contracting Officer or Patent Counsel a copy of the application as filed including the filing date and serial number;

(ii) Within 6 months after filing the application or within 6 months after submitting the invention disclosure if the application has been filed previously, deliver to the Contracting Officer or Patent Counsel a duly executed and approved Assignment to the Government, on a form specified by the Government;

(iii) Provide the Contracting Officer or Patent Counsel with the original patent grant promptly after a patent is issued on the application; and

(iv) Not less than 30 days before the expiration of the response period for any action required by the Patent and Trademark Office, notify the Contracting Officer or Patent Counsel of any decision not to continue prosecution of the application.

(3) With respect to each Subject Invention in which the Contractor or inventor has requested foreign patent rights, the Contractor or inventor shall file a patent application on the invention in each foreign country in which such request is granted in accordance with applicable statutes and regulations and within one of the following periods:

(i) Eight months from the date of filing a corresponding United States application, or if such an application is not filed, six months from the date of the request was granted;

(ii) Six months from the date a license is granted by the Commissioner of Patents and Trademarks to file the foreign patent application where such filing has been prohibited by security reasons; or

(iii) Such longer periods as may be approved by the Contracting Officer or Patent Counsel for good cause shown in writing by the Contractor or inventor.

(4) Subject to the license specified in paragraphs (c)(1), (2) and (3) of this clause, the Contractor or inventor agrees to convey to the Government, upon request, the entire right, title, and interest in any foreign country in which the Contractor or inventor fails to have a patent application filed in accordance with paragraph (d)(3) of this clause, or decides not to continue prosecution or to pay any maintenance fees covering the invention. To avoid forfeiture of the patent application or patent the Contractor or inventor shall, not less than 60 days before the expiration period for any action required by any Patent Office, notify the Contracting Officer or Patent Counsel of such failure or decision, and deliver to the Contracting Officer or Patent Counsel the executed instruments necessary for the conveyance specied in this paragraph.

(e) *Invention identification, disclosures, and reports.* (1) The Contractor shall establish and maintain active and effective procedures to ensure that Subject Inventions are promptly identified and timely disclosed. These procedures shall include the maintenance of laboratory notebooks or equivalent records and any other records that are reasonably necessary to document the conception and/or the first actual reduction to practice of Subject Inventions, and records which show that the procedures for identifying and disclosing the inventions are followed. Upon request, the Contractor shall furnish the Contracting Officer a description of these procedures so that he may evaluate and determine their effectiveness.

(2) The Contractor shall furnish the Contracting Officer or Patent Counsel on an ERDA-approved form:

(i) A written report containing full and complete technical information concerning each subject Invention within 6 months after conception or first actual reduction to practice whichever occurs first in the course of or under this contract, but in any event

prior to any on sale, public use or public disclosure of such invention known to the Contractor. The report shall identify the contract and inventor and shall be sufficiently complete in technical detail and appropriately illustrated by sketch or diagram to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation, and to the extent known, the physical, chemical, biological, or electrical characteristics of the invention. The report should also include any request for foreign patent rights under paragraph (c)(4) of this clause and any request to file a domestic patent application under (d)(1) of this clause. However, such requests shall be made within the period set forth in paragraph (b)(2) of this clause. When an invention is reported under this paragraph (e)(2)(i), it shall be presumed to have been made in the manner specified in Section (a)(1) and (2) of 42 USC 5908 unless the Contractor contends it was not so made in accordance with paragraph (g)(2)(ii) of this clause.

(ii) Upon request, but not more than annually, interim reports on an ERDA-approved form listing Subject Inventions and subcontracts awarded containing a Patent Rights clause for that period and certifying that:

(A) The Contractor's procedures for identifying and disclosing Subject Inventions as required by this paragraph (d) have been followed throughout the reporting period;

(B) All Subject Inventions have been disclosed or that there are no such inventions;

(C) All subcontracts containing a Patent Rights clause have been reported or that no such subcontracts have been awarded; and

(iii) A final report on an ERDA-approved form within 3 months after completion of the contract work listing all Subject Inventions and all subcontracts awarded containing a Patent Rights clause and certifying that:

(A) All Subject Inventions have been disclosed or that there were no such inventions; and

(B) All subcontracts containing a Patent Rights clause have been reported or that no such subcontracts have been awarded.

(3) The Contractor shall obtain patent agreements to effectuate the provisions of this clause from all persons in its employ who perform any part of the work under this contract except nontechnical personnel, such as clerical employees and manual laborers.

(4) The Contractor agrees that the Government may duplicate and disclose Subject Invention disclosures and all other reports and papers furnished or required to be furnished pursuant to this clause. If the Contractor is to file a foreign patent application on a Subject Invention, the Government agrees, upon written request, to use its best efforts to withhold publication of such invention disclosures until the expiration of the time period specified in paragraph (d)(1) of this clause, but in no event shall the Government or its employees be liable for any publication thereof.

(f) *Publication.* It is recognized that during the course of the work under this contract, the Contractor or its employees may from time to time desire to release or publish information regarding scientific or technical developments made or conceived in the course of or under this contract. In order that public disclosure of such information will not adversely affect the patent interests of ERDA or the Contractor, patent approval for release or publication shall be secured from Patent Counsel prior to any such release or publication.

(g) *Forfeiture of rights in unreported Subject Inventions.* (1) The Contractor shall forfeit to the Government, at the request of the Administrator or his designee, all rights in any Subject Invention which the contractor fails to report to the Contracting Officer or Patent Counsel within six months after the time the contractor:

(i) Files or causes to be filed a United States or foreign patent application thereon; or

(ii) Submits the final report required by paragraph (e)(2)(iii) of this clause, whichever is later.

(2) However, the Contractor shall not forfeit rights in a Subject Invention if, within the time specified in (1)(i) or (1)(ii) of this paragraph (g), the Contractor:

(i) Prepared a written decision based upon a review of the record that the invention was neither conceived nor first actually reduced to practice in the course of or under the contract and files the same with the Contracting Officer or Patent Counsel; or

(ii) Contending that the invention is not a Subject Invention the contractor nevertheless discloses the invention and all facts pertinent to this contention to the Contracting Officer or Patent Counsel; or

(iii) Establishes that the failure to disclose did not result from the contractor's fault or negligence.

(3) Pending written assignment of the patent applications and patents on a Subject Invention determined by the Administrator or his designee to be forfeited (such determination to be a final decision under the Disputes Clause), the Contractor shall be deemed to hold the invention and the patent applications and patents pertaining thereto in trust for the Government. The forfeiture provision of this paragraph (g) shall be in addition to and shall not supersede other rights and remedies which the Government may have with respect to Subject Inventions.

(h) *Examination of records relating to inventions.* (1) The Contracting Officer or Patent Counsel, until the expiration of 3 years after final payment under this contract shall have the right to examine any books (including laboratory notebooks), records, documents, and other supporting data of the Contractor which the Contracting Officer or Patent Counsel reasonably deem pertinent to the discovery or identification of Subject Inventions or to determine compliance with the requirements of this clause.

(2) The Contracting Officer or Patent Counsel shall have the right to review all books (including laboratory notebooks), records and documents of the Contractor relating to the conception or first actual reduction to practice of inventions in the same field of technology as the work under this contract to determine whether any such inventions are Subject Inventions, if the Contractor refuses or fails to:

(i) Establish the procedures of paragraph (e)(1) of this clause; or

(ii) Maintain and follow such procedures; or

(iii) Correct or eliminate any material deficiency in the procedures within thirty (30) days after the Contracting Officer or Patent Counsel notifies the Contractor of such a deficiency.

(i) *Withholding of payment.* (1) Any time before final payment of the amount of this contract, the Contracting Officer may, if he deems such action warranted, withhold payment until a reserve not exceeding $50,000 or 5 percent of the amount of this contract, whichever is less, shall have been set aside if in his opinion, the contractor fails to:

(i) Establish, maintain and follow effective procedures for identifying and disclosing Subject Inventions pursuant to paragraph (e)(1) of this clause; or

(ii) Disclose any Subject Invention pursuant to paragraph (e)(2)(i) of this clause; or

(iii) Deliver the interim reports pursuant to paragraph (e)(2)(ii) of this clause; or

(iv) Provide the information regarding subcontracts pursuant to paragraph (j)(5) or this clause; or

(v) Convey to the Government in an ERDA-approved form the title and/or rights of the Government in each Subject Invention as required by this clause.

The reserve or balance shall be withheld until the Contracting Officer has determined after consultation with Patent Counsel that the Contractor has rectified whatever deficiencies exist and has delivered all reports, disclosures, and other information required by this clause.

(2) Final payment under this contract shall not be made by the Contracting Officer before the Contractor delivers to Patent Counsel all disclosures of Subject Inventions and other information required by (e)(2)(i) of this clause, the final report required by (e)(2)(iii) of this clause, and Patent Counsel has issued a patent clearance certification to the Contracting Officer.

(3) The Contracting Officer may, in his discretion, decrease or increase the sums withheld up to the maximum authorized above. If the Contractor is a nonprofit organization, the maximum amount that may be withheld under this paragraph shall not exceed $50,000 or 1 percent of the amount of this contract, whichever is less. No amount shall be withheld under this paragraph while the amount specified by this paragraph is being withheld under other provisions of the contract. The withholding of any amount or subsequent payment thereof shall not be construed as a waiver of any rights accruing to the Government under this contract.

(j) *Subcontracts.* (1) For the purpose of this paragraph the term "Contractor" means the party awarding a subcontract and the term "Subcontractor" means the party being awarded a subcontract, regardless of tier.

(2) Unless otherwise authorized or directed by the Contracting Officer in accordance with 41 CFR 9-9.107-4(f), the Contractor shall include the Patent Rights clause of 41 CFR 9-9.107-5(a) or 41 CFR 9-9.107-6 as appropriate, modified to identify the parties in any subcontract hereunder. In the event of refusal by a Subcontractor to accept this clause, or if in the opinion of the Contractor this clause is inconsistent with ERDA's patent policies, the Contractor:

(i) Shall promptly submit written notice to the Contracting Officer setting forth reasons for the Subcontractor refusal and other pertinent information which may expedite disposition of the matter; and

(ii) Shall not proceed with the subcontract without the written authorization of the Contracting Officer.

(3) The Contractor shall not, in any subcontract or by using a subcontract as consideration therefor, acquire any rights in its Subcontractor's Subject Invention for the contractor's own use (as distinguished from such rights as may be required solely to fulfill the contractor's contract obligations to hte Government in the performance of this contract).

(4) All invention disclosures, reports, instruments, and other information required to be furnished by the Subcontractor to ERDA, under the provisions of a Patent Rights clause in any subcontract hereunder may, in the discretion of the Contracting Officer, be furnished to the Contractor for transmission to ERDA.

(5) The Contractor shall promptly notify the Contracting Officer in writing upon the award of any subcontract containing a Patent Rights clause by identifying the Subcontractor, the work to be performed under the subcontract, and the dates of award, and estimated completion. Upon the request of

the Contracting Officer the Contractor shall furnish a copy of the subcontract.

(6) The Contractor shall identify all Subject Inventions of the Subcontractor of which it acquires knowledge in the performance of this contract and shall notify the Contracting Officer or Patent Counsel promptly upon the identification of the inventions.

(7) It is understood that the Government is a third party beneficiary of any subcontract clause granting rights to the Government in Subject Inventions, and the Contractor hereby assigns to the Government all rights that the Contractor would have to enforce the Subcontractor's obligations for the benefit of the Government with respect to Subject Inventions. The Contractor shall not be obligated to enforce the agreements of any Subcontractor hereunder relating to the obligations of the Subcontractor to the Government in regard to Subject Inventions.

(k) *Background Patents.* (1) "Background Patent" means a foreign or domestic patent covering an invention or discovery which is not a Subject Invention and which is owned or controlled by the Contractor at any time through the completion of this contract:

(i) Which the Contractor, but not the Government, has the right to license to others, and

(ii) Infringement of which cannot reasonably be avoided upon the practice of any specific process, method, machine, manufacture or composition of matter (including relatively minor modifications thereof) which is a subject of the research, development, or demonstration work performed under this contract.

(2) The Contractor agrees to and does hereby grant to the Government a royalty-free, nonexclusive, license under any Background Patent for practicing a subject of this contract for purposes of research, development, and demonstration work only.

(3) The Contractor also agrees that upon written application by the ERDA, it will grant to responsible parties for purposes of practicing a subject of this contract, nonexclusive licenses under any Background Patent on terms that are reasonable under the circumstances. If, however, the Contractor believes that exclusive or limited licensing is necessary to achieve expeditious commercial development or utilization, then a request may be made to ERDA for approval of such licensing by the Contractor.

(4) Notwithstanding the foregoing paragraphs (k)(2) and (k)(3), the Contractor shall not be obligated to license any Background Patent if the Contractor demonstrates to the satisfaction of the Administrator or his designee that:

(i) a competitive alternative to the subject matter covered by said Background Patent is commercially available from other sources; or

(ii) the Contractor or its licensees are supplying the subject matter covered by said Background Patent in sufficient quantity and at reasonable prices to satisfy market needs.

(l) *Atomic Energy.* (1) No claim for pecuniary award or compensation under the provisions of the Atomic Energy Act of 1954, as amended, shall be asserted by the Contractor or its employees with respect to any invention or discovery made or conceived in the course of or under this contract.

(2) Except as otherwise authorized in writing by the Contracting Officer, the Contractor will obtain patent agreements to effectuate the provisions of paragraph (l)(1) of this clause from all persons who perform any part of the work under this contract, except such clerical and manual labor personnel as will not have access to technical data.

(b) *Licenses in contractor Background Patents.* (1) It will normally be the case that a contractor qualified to perform work under an ERDA contract will have developed a degree of expertise in the general field of activity to which the contract relates. Accordingly, it will not be unusual for a prospective contractor to have an established patent position relating to the general field of work to be performed under an ERDA contract and to have ongoing research and development programs in that general field which could result in patentable inventions. Since the contractor is obligated to apply its best efforts to accomplishing the objectives of the contract work, it is to be expected that inventions owned or controlled by the contractor at any time during the contract period may be utilized in connection with the work performed under the contract. If such inventions are or become the subject of a patent, such patented inventions may control the contract results.

(2) It is usually the case that at the time an ERDA contract is negotiated, such inventions, if any, of the contractor are not known to the Government and may not be known to the contractor either. Use by the contractor of such inventions in connection with the contract work does not necessarily result in a need for rights in those inventions by the Government or others. However, failure of ERDA to obtain limited rights on behalf of the Government and/or third parties in a narrow class of those inventions, defined as "Background Patents" could frustrate the objectives of ERDA to promptly make the benefits of its programs widely available to the public and to promote the commercial utilization of the technology developed or demonstrated under ERDA programs. Therefore, it is ERDA's policy to obtain limited license rights in Background Patents on a basis that is reasonable under the circumstances of the particular contract and takes into account the relative equities of the contractor, th Government and the general public.

(3) Paragraph (k) of the Patent Rights clause of § 9-9.107-5(a) sets out the background patent provision that will appropriate for many ERDA contracting situations by balancing the needs of ERDA programs with the equities of the contractor. This clause obtains a paid-up, nonexclusive, license for the Government for research, development and demonstration work only, and requires the contractor to license responsible parties on reasonable terms at the request of ERDA in the field of technology specifically contemplated in the contract effort. The background provisions, however, are only applicable insofar as infringement of the patent cannot reasonably be avoided in order to utilize the results of the contract work for these purposes. Additionally, the clause is not effective if the contractor can demonstrate to the satisfaction of the Administrator or his designee that commercial alternatives are available or that the contractor by itself or with its licensees is supplying the market in sufficient quantities and at reasonable prices. In determining whether to request such licensing, ERDA will recognize the need, where appropriate, to limit licensing to preserve the commercialization incentives provided by the patent, and also to meet the needs of the public for early availability of the technology.

(4) Balancing of the respective equities in particular contracting situations, however, may require that paragraph (k) be modified. Paragraph (k) should normally be deleted for contracts under $250,000 but deletion of this paragraph in other contracting situations may be made with the advice of patent counsel. For example, paragraph (k) may not be appropriate in study contracts, planning contracts, contracts with educational institutions, and contracts for specialized equipment not intended for further procurement by the Government or for use by the public.

(5) On the other hand, there will be situations where the equities between the Government and the contractor, or anticipated Government needs, would require that rights be obtained for either the Government or for the public greater than those set forth in paragraph (k). For example, where (i) the contribution of the Government towards the development and/or commercialization of the Background Patent is substantially greater than that of the contractor, (ii) it is expected that the Government may be involved in special long-term projects, or (iii) the Government may require substantial production or procurement for purposes outside of research, development, and demonstration, it may be necessary to obtain greater rights. In such situations, consideration should be given to extending the Government's rights beyond research, development, and demonstration work, or to adjust royalties that may be due by the Government to reflect the Government's contribution. Such adjustment could take the form of (i) credit to be given the Government based upon its contribution through the contract, or (ii) a royalty based upon the relative contributions of the contractor and the Government. Consideration could also be given to utilizing the relative contributions in determining reasonable royalties to be charged to others.

(6) Similarly, it may be necessary to obtain greater rights for the public in the contractor's background patents where, for example, the contractor's background patents cover the basic technology intended to be developed under the contract effort, rather than subcomponents or products or processes which are ancillary to the contract effort. In such cases, subparagraph (4) of paragraph (k) should be deleted or modified accordingly. Deletion or modification of subparagraph (4) might also be appropriate where the future market for the contract results will be very large and there are presently only a few suppliers available.

(7) It may also be appropriate to modify the rights acquired by paragraph (k) where the contractor's background patent rights were of primary importance in granting the contractor a waiver. For example, if the contractor was permitted to retain exclusive rights to Subject Inventions based upon the consideration that both foreground and background

inventions would be licensed at reasonable royalties, then paragraph (k) should be modified. In such cases, the definition of "Background Patent" should be broadened to include all patents useful in the practice of the contract results, and subparagraph (4) should be deleted or appropriately modified.

(8) The application of paragraph (k) is limited to the practice of any specific process, method, or machine, manufacture or composition of matter which is a subject of the research, development or demonstration work performed under the contract, otherwise referred to as "a subject of this contract" in subparagraphs (2) and (3). The expression "a subject of this contract," therefore, is intended to limit the rights covered in paragraph (k) to the same fields of use or intended uses of the contract results as generally contemplated by the program involved. During negotiations, when the subject matter of the contract and the intended uses of the results thereof are known, a more specific statement of the field of technology intended to be covered may be substituted for the expression "subject of this contract." For example, the application of paragraph (k) may be limited to the generation of electric power utilizing coal derived fuels, to high temperature gas cooled reactors, or other specified fields of use which cover the anticipated use of the technology being developed under the contract.

(c) *License for the States and municipal governments.* When the Administrator or his designee determines at the time of contracting that it would not be in the public interest to acquire a paid-up license in subject inventions for States and domestic municipal governments, paragraph (c)(4)(ii) of the Patent Rights clause in § 9-9.107-5(a) shall be replaced with the following paragraph (c)(4)(ii):

(ii) At least an irrevocable, nonexclusive, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the Government of the United States (including any Government agency).

(d) *Right to sublicense foreign governments.* (1) When the Administrator or his designee determines at the time of contracting that it would be in the national interest to acquire the right to sublicense foreign governments pursuant to any treaty or agreement, a sentence shall be added to the end of paragraph (c)(4)(ii) of the Patent Rights clause in § 9-9.107-5(a) as follows:

This license shall include the right of the Government to sublicense foreign governments pursuant to any treaty or agreement with such foreign governments.

(2) When the Administrator or his designee wishes to reserve the right to make the determination to sublicense foreign governments pursuant to any treaty or agreement until after the invention has been identified, a sentence shall be added to the end of paragraph (c)(4)(ii) of the Patent Rights clause in § 9-9.107-5(a) as follows:

This license shall include the right of the Government to sublicense foreign governments pursuant to any treaty or agreement if the Administrator or his designee determines after the invention has been identified that it would be in the national interest to acquire this right.

(e) *License rights (upon request) to contractor (revocable).* When the Administrator or his designee determines that the contractor may reserve a revocable, nonexclusive, paid-up license in Subject Inventions, only upon a request by the contractor for the retention of such a license, paragraph (c)(1) of the clause in § 9-9.107-5(a) shall be replaced with the following paragraph (c)(1):

CONTRACTOR LICENSE

(1) The Contractor may reserve upon request a revocable, nonexclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires the title. The license shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant sublicenses of the same scope and revocable under the same terms and conditions as set forth herein. The license shall be assignable only with approval of ERDA except to the successor of that part of the Contractor's business to which the invention pertains.

(f) *License rights to contractor (irrevocable).* When the Administrator or his designee determines that the contractor may reserve an irrevocable, nonexclusive, paidup license in the inventions resulting from the contract, paragraph (c)(1) of the Patent Rights clause of § 9-9.107-5(a) shall be replaced with the following paragraph (c)(1) and paragraphs (c)(2) and (c)(3) and references thereto shall be cancelled:

(1) The Contractor reserves an irrevocable, nonexclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires title. The License shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant sublicenses of the same scope to the extent the Contractor was legally obligated to do so at the time the contract was awarded. The license shall be transferable only with approval of ERDA except when transferred to the successor of that part of the Contractor's business to which the invention pertains.

§ 9-9.107-6 Clause for contracts (short form).

The following clause may be used instead of the clause of § 9-9.107-5(a) in contracts for basic or applied research where the contractor is a nonprofit or educational institution, except in contracts calling for the operation of Government-owned facilities, or contracts in which an advance waiver has been granted, or other special contracts such as those for the conduct of major long-term continuing programs or basic overall agreements providing for the assignment of new tasks from time to time by mutual agreement.

PATENT RIGHTS (SHORT FORM)

(a) *Definitions.* (1) "Subject Invention" means any invention or discovery of the Contractor conceived or first actually reduced to practice in the course of or under this contract, and includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plants, whether patented or unpatented, under the Patent Laws of the United States of America or any foreign country.

(2) "Patent Counsel" means the ERDA Patent Counsel assisting the procuring activity.

(b) *Invention disclosures and reports.* (1) The Contractor shall furnish the Contracting Officer or Patent Counsel:

(i) A written report containing full and complete technical information concerning each Subject Invention within 6 months after conception or first actual reduction to practice whichever occurs first in the course of or under this contract, but in any event prior to any on sale, public use, or public disclosure of such invention known to the contractor. The report shall identify the contract and inventor and shall be sufficiently complete in technical detail and appropriately illustrated by sketch or diagram to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation, and to the extent known, the physical, chemical, biological, or electrical characteristics of the invention;

(ii) Upon request, but not more than annually, interim reports on an ERDA-approved form listing Subject Inventions for that period and certifying that all Subject Inventions have been disclosed or that there were no such inventions; and

(iii) A final report on an ERDA-approved form within 3 months after completion of the contract work listing all Subject Inventions and certifying that all Subject Inventions have been disclosed or that there were no such inventions.

(2) The Contractor agrees that the Government may duplicate and disclose Subject Invention disclosures and all other reports and papers furnished or required to be furnished pursuant to the contract.

(c) *Allocation of principal rights.* (1) *Assignment to the Government.* The Contractor agrees to assign to the Government the entire right, title, and interest throughout the world in and to each Subject Invention, except to the extent that rights are retained by the Contractor under paragraphs (c)(2) and (d) of this clause.

(2) *Greater rights determinations.* The Contractor, or the employee-inventor with authorization of the Contractor, may request greater rights than the non-exclusive license and the right to request foreign patent rights provided in paragraph (d) of this clause on identified inventions in accordance with the procedure and criteria of 41 CFR 9-9.109-6. A request for a determination of whether the Contractor or the employee-inventor is entitled to retain such greater rights must be submitted to the Administration at the time of the first disclosure of the invention pursuant to paragraph (b)(1) of this clause or not later than 3 months thereafter or such longer period as may be authorized by the Contracting Officer or Patent Counsel for good cause shown in writing by the Contractor. The information to be submitted for a greater rights determination is specified in 41 CFR 9-9.109-6(e).

(d) *Minimum rights to the Contractor.* The Contractor reserves a revocable, nonexclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which

the Government acquires title. Revocation shall be in accordance with the procedure of paragraphs (c)(2) and (3) of the clause in 41 CFR 9-9.107-5(a). The Contractor also has the right to request foreign rights in accordance with the procedures of paragraph (c)(4) of the clause in 41 CFR 9-9.107-5(a).

(e) *Employee and Subcontractor agreements.* Unless otherwise authorized in writing by the Contracting Officer, the Contractor shall:

(1) Obtain patent agreements to effectuate the provisions of the Patent Rights clause from all persons in its employ who perform any part of the work under this contract except nontechnical personnel, such as clerical employees and manual laborers.

(2) Unless otherwise authorized or directed by the Contracting Officer in accordance with 41 CFR 9-9.107-4(f), the Contractor shall include the Patent Rights clause of 41 CFR 9-9.107-5(a) or 41 CFR 9-9.107-6, as appropriate, modified to identify the parties in any subcontract hereunder; and

(3) Promptly notify the Contracting Officer in writing upon the award of any subcontract containing a Patent Rights clause by identifying the Subcontractor, the work to be performed under the subcontract, and the dates of award, and estimated completion. Upon the request of the Contracting Officer the Contractor shall furnish a copy of the subcontract to such requestor.

(f) *Atomic Energy.* (1) No claim for pecuniary award or compensation under the provisions of the Atomic Energy Act of 1954, as amended, shall be asserted by the Contractor or its employees with respect to any invention or discovery made or conceived in the course of or under this contract.

(2) Except as otherwise authorized in writing by the Contracting Officer, the Contractor will obtain patent agreements to effectuate the provisions of paragraph (f)(1) of this clause from all persons who perform any part of the work under this contract, except such clerical and manual labor personnel as will not have access to technical data.

§ 9-9.107-7 Foreign contracts.

The clauses authorized for contracts in § 9-9.107-5 and § 9-9.107-6 may be modified by the contracting officer in consultation with patent counsel to meet the requirements peculiar to foreign procurement.

§ 9-9.108 [Reserved]

§ 9-9.109 Administration of patent clauses.

§ 9-9.109-1 Patent rights follow-up.

It is important that the Government and the contractor know and exercise their rights in inventions conceived or first actually reduced to practice in the course of or under Government contracts in order to ensure their expeditious availability to the public, to enable the Government, the contractor, and the public to avoid unnecessary payment of royalties and to defend themselves against claims and suits for patent infringement. To attain these ends, contracts having Patent Rights clauses should be so administered that:

(a) Inventions are identified, disclosed, and reported as required by the contract clauses;

(b) The rights of the Government in such inventions are established;

(c) When appropriate, patent applications are timely filed and prosecuted by the contractor, the inventor, or by the Government as appropriate;

(d) The filing of patent applications is documented by formal instruments such as licenses or assignments; and

(e) Expeditious commercial utilization of such inventions is achieved.

§ 9-9.109-2 Follow-up by contractor.

(a) The Patent Rights clause requires contractors to establish and maintain effective procedures to ensure that inventions made under the contract are identified, disclosed, and when appropriate, patent applications filed, and that the Government's rights therein are established and protected. When it is determined after the award of a contract that the contractor or subcontractor may not have a clear understanding of the rights and obligations of the parties under a Patent Rights clause, a post-award orientation conference or letter should be used by ERDA to explain these rights and obligations. When reviewing a contractor's procedures, particular attention shall be given to ascertaining their effectiveness for identifying and disclosing inventions.

(b) Upon completion of the work, a qualified representative of the contractor shall furnish to the contracting officer or patent counsel interim reports upon request, and a final report setting forth:

(1) A list of all subject inventions made during the reporting period;

(2) A certification that all subject inventions have been disclosed or that there were no such inventions, and that the contractor's procedures for identifying and disclosing inventions have been followed throughout the period;

(3) A list of all subcontracts entered into during the reporting period which contain a Patent Rights clause, together with copies of such subcontracts (if not earlier furnished to ERDA), or a statement that there were no such subcontracts.

(c) Ordinarily, inventions and discoveries will be reported on Form ERDA 213 (copies of which shall be made available by patent counsel) or on such other form that has been approved by patent counsel. Reporting of inventions promptly and before the completion of the work under the respective contracts will aid patent clearance. Submission of annual interim reports, where contracts cover an extended period, will also facilitate the disposition of patent matters and expedite the issuance of final patent clearance.

§ 9-9.109-3 Follow-up by Government.

(a) With respect to each contract, subcontract, or other agreement under their jurisdictions, the heads of procuring activities are responsible:

(1) For assuring compliance with the provisions of this Part 9-9 in executing or approving any contracts, subcontracts, other agreements, understandings, or other arrangements, or any supplements thereto. The patent counsel assisting their activity should be consulted to ensure that only authorized departure is made from the requirements set forth in these regulations and that all substantive and procedural rights required by section 152 of the Atomic Energy Act of 1954, as amended, or section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974, are obtained;

(2) For transmitting the information requested on the Patent Information Sheet, Form ERDA 242, to the Assistant General Counsel for Patents;

(3) For reviewing, in consultation with the contractor, subcontractor, or vendor, arrangements for obtaining adequate patent agreements from employees and others performing work under any contract, subcontract, or other agreements containing patent provisions in favor of the Government. (The form of such patent agreement actually in use or proposed for use shall be forwarded for approval to the patent counsel assisting the procuring activity.);

(4) For forwarding a notice of completion or termination of the work and a request for patent clearance to the Assistant General Counsel for Patents for each contract, subcontract, or other agreement containing patent provisions giving rise to rights in the Government; and

(5) For withholding payments due to contractors in accordance with paragraph (i) of the clause of § 9-9.107-5 until, in the case of interim reports, a determination has been made in consultation with patent counsel that existing deficiencies have been corrected or that delivery of all reports, disclosures, and other information have been made, or, in the case of final reports, receipt of written patent clearance certification from the Assistant General Counsel for Patents.

(b) The Assistant General Counsel for Patents, upon receipt of the Patent Information Sheet, Form ERDA 242, will assign the patent responsibility and notify the person who transmits the Information Sheet of the patent counsel assigned to conduct the patent surveillance of the reported contract, subcontract, or other agreement. Upon receipt of the notice of completion or termination as provided in paragraph (a)(4) of this section, a notice of patent clearance will be issued by the Assistant General Counsel for Patents when there has been to his best knowledge and belief compliance with the patent provisions.

(c) The patent counsel assigned to assist the procuring activity will assist contracting officers in selecting and negotiating patent provisions, and in the case of field activities, will coordinate such assistance with the Chief Counsel in accordance with established local procedures. Patent counsel will generally submit Patent Information sheets and otherwise assist heads of procuring activities contractors, contracting officers, subcontractors and vendors in: reporting of inventions and discoveries; reviewing and providing patent clearance prior to publication or release or reports and proposed technical articles and prior to public release or disclosure of information

regarding scientific and technical developments made in the course of or under the contract; handling claims for patent and copyright infringement; the preparation of certificates to initiate patent clearance; and the handling of other patent matters.

(e) *Patent application filing and determination of rights to inventions and discoveries.* The Assistant General Counsel for Patents or his designee shall:

(i) Make the determination specified in Section (a) (1) and (2) of 42 USC 5908 concerning inventors;

(ii) Determine whether and where patent protection will be obtained on inventions;

(iii) Represent ERDA before domestic and foreign patent offices;

(iv) Accept assignments and instruments confirmatory of the Government's rights to inventions; and

(v) Represent ERDA in patent matters not specifically reserved to the Administrator or his designee under these regulations.

§ 9–9.109–4 Remedies.

If a contractor operating under a Patent Rights clause fails to establish, maintain, or follow effective procedures for identifying and disclosing inventions as required by the Patent Rights clause or fails to correct any deficiency after notice thereof, the contracting officer may require the contractor to make available for examination books, records and documents relating to inventions in the same field of technology as the contract to enable an agency determination of whether there are such inventions, and may invoke the withholding of payments provision. Further, the contracting officer may invoke the withholding of payments provision if a contractor fails to disclose an invention deemed by ERDA to be a Subject Invention.

§ 9–9.109–5 Conveyance of invention rights acquired by the Government.

Whether the Government acquires the entire right, title, and interest in an invention pursuant to a contract or by operation of law, assignments shall be obtained from the inventor to the Government with the consent of the contractor, to perfect or confirm the Government's rights. The form of conveyance of title from the inventor to the contractor must be legally sufficient to convey the rights the contractor is required to convey to the Government.

§ 9–9.109–6 Waivers.

(a) *General.* The Administrator or his designee may waive all or any part of the rights of the United States (other than certain rights prescribed in paragraph (i) of this section) with respect to any invention or class of inventions made or which may be made by any person or class of persons in the course of or under any contract of ERDA, if it is determined that the interests of the United States and the general public as set forth in the Atomic Energy Act of 1954, as amended (42 USC 2182), and the Federal Nnonnuclear Energy Research and Development Act of 1974 (42 USC 5903), will best be served by such waivers. In making such determinations, the Administrator or his designee shall have the following objectives:

(1) Making the benefits of the energy research, development, and demonstration program widely available to the public in the shortest practicable time.

(2) Promoting the commercial utilization of such inventions.

(3) Encouraging participation by private persons in ERDA's energy research, development, and demonstration program.

(4) Fostering competition and preventing undue market concentration or the creation or maintenance of other situations inconsistent with the antitrust laws.

If it is not possible to attain each of these objectives immediately and simultaneously for any one waiver determination, the Administrator will seek to reconcile these objectives in light of the overall purposes of the patent policy sections of the Atomic Energy Act of 1954, as amended, and of the Federal Nonnuclear Energy Research and Development Act of 1974.

Over time, however, the application of this waiver policy is expected to attain each of these objectives. In addition to the patent policies provided by legislation, and where not inconsistent therewith, the Administrator's waiver determinations will also be guided by the revised Presidential Memorandum and Statement of Government Patent Policy issued August 23, 1971 (36 FR 16887–16892).

(b) *Advance waiver.* In determining whether a waiver to the contractor at the time of contracting will best serve the interests of the United States and the general public, the Administrator or his designee shall, as a minimum, specifically include as considerations the following:

(1) The extent to which the participation of the contractor will expedite the attainment of the purposes of the program;

(2) The extent to which a waiver of all or any part of such rights in any or all fields of technology is needed to secure the participation of the particular contractor;

(3) The extent to which the work to be performed under the contract is useful in the production or utilization of special nuclear material or atomic energy;

(4) The extent to which the contractor's commercial position may expedite utilization of the research, development, and demonstration program results;

(5) The extent to which the Government has contributed to the field of technology to be funded under the contract;

(6) The purpose and nature of the contract, including the intended use of the results developed thereunder;

(7) The extent to which the contractor has made or will make substantial investment of financial resources or technology developed at the contractor's private expense which will directly benefit the work to be performed under the contract;

(8) The extent to which the field of technology to be funded under the contract has been developed at the contractor's private expense;

(9) The extent to which the Government intends to further develop to the point of commercial utilization the results of the contract effort;

(10) The extent to which the contract objectives are concerned with the public health, public safety, or public welfare;

(11) The likely effect of the waiver on competition and market concentration;

(12) In the case of a nonprofit educational institution, the extent to which such institution has a technology transfer capability and program, approved by the Administrator or his designee as being consistent with the applicable policies of this section; and

(13) The small business status of the contractor.

(c) *Waiver of identified inventions.* In determining whether a waiver to the contractor or inventor of rights to an identified invention will best serve the interests of the United States and the general public, the Administrator or his designee shall, as a minimum, specifically include as considerations the following:

(1) The extent to which such waiver is a reasonable and necessary incentive to call forth private risk capital for the development and commercialization of the invention;

(2) The extent to which the plans, intentions, and ability of the contractor or inventor will obtain expeditious commercialization of such invention;

(3) The extent to which the invention is useful in the production or utilization of special nuclear material or atomic energy;

(4) The extent to which the Government has contributed to the field of technology of the invention;

(5) The purpose and nature of the invention, including the anticipated use thereof;

(6) The extent to which the contractor has made or will make substantial investment of financial resources or technology developed at the contractor's private expense which will directly benefit the commercialization of the invention;

(7) The extent to which the field of technology of the invention has been developed at the contractor's expense;

(8) The extent to which Government intends to further develop the invention to the point of commercial utilization;

(9) The extent to which the invention is concerned with the public health, public safety, or public welfare;

(10) The likely effect of the waiver on competition and market concentration;

(11) In the case of a nonprofit educational institution, the extent to which such institution has a technology transfer capability and program approved by the Administrator or his designee as being consistent with the applicable policies this section; and

(12) The small business status of the contractor.

(d) *Procedures.* (1) All waiver determinations shall be initiated by a written

request. Such requests may be submitted by existing or potential contractors in the case of requests for an advance waiver and by contractors or employee-inventors in the case of requests for waiver for identified inventions. A request for an advance waiver may also be made for an identified invention which has already been conceived and which reasonably may be first actually reduced to practice in the course of or under an ERDA contract.

(2) A request for an advance waiver shall be submitted to the contracting officer or to contractors for their subcontractors at any time prior to execution of the contract or within thirty (30) days thereafter, but should normally be submitted as part of the contract proposal. In any event, requests should not be submitted so late as to delay award of the contract. Advance waivers may also be requested where the purpose or scope of work of an existing contract is to be substantially altered. When advance waivers are granted, the rights set forth in paragraphs (b), (c) and (d) of the clause of § 9-9.107-5(a) should be modified, to conform to the waiver granted.

(3) A request for waiver (other than advance waivers) for an identified invention shall be submitted to the contracting officer or patent counsel at the time of the first disclosure of the invention, or not later than three (3) months thereafter, or such longer period as may be authorized by the contracting officer or patent counsel for good cause shown in writing by the contractor or inventor.

(4) All requests for waiver received by ERDA or its contractors will be forwarded promptly to patent counsel assisting the procuring activity, together with any reference or supporting documents provided by the requestor and any documents or comments provided by the staff of the activity. If the request for waiver appears to contain insufficient information, the patent counsel may seek additional information from the requestor to supplement the request, and may also seek additional information from other sources. The patent counsel will thoroughly analyze the request in view of each of the objectives and considerations set forth in this § 9-9.109-6. Where it appears that a lesser part of the rights of the United States than requested would be more appropriate in view of the policies set forth in this § 9-9.109-6, the patent counsel should attempt to negotiate a compromise acceptable to both the requestor and ERDA.

(5) The patent counsel will prepare and recommend a Statement of Considerations setting forth the rationale for either accepting or rejecting the waiver request. While the Statement need not make specific findings as to each and every consideration of paragraph (b) or (c) of this section, it will cover those that raise significant issues and those that are decisive, and it will explain the basis for the recommended determination. There may be occasions when the application of the various considerations in (b) or (c) of this section to a particular case could cause conflicting results and in those instances, the differences will be reconciled giving due regard to the overall policies set forth in this § 9-9.109-6. Field patent counsel will coordinate actions on advance waivers with the Chief Counsel of the field office concerned as required by local procedures.

(6) The Statement shall be forwarded to the Assistant General Counsel for Patents to serve as a recommended basis for the waiver determination. The Assistant General Counsel for Patents will also obtain comments from the appropriate ERDA program division to assist the Administrator or his designee in the waiver determination. In situations where time does not permit a delay in contract negotiations for the preparation and mailing of a full written Statement, field patent counsel may submit a recommendation on the waiver verbally to the Assistant General Counsel for Patents and request a verbal determination from the Administrator or his designee. Such action shall be promptly confirmed in writing.

(7) In making waiver determinations, the Administrator or his designee shall objectively review all requests for waiver in view of the objectives and considerations set forth in this § 9-9.109-6. If this determination and the rationale therefor is not accurately reflected in the recommended Statement of Considerations, a new Statement shall be prepared.

(8) The patent counsel assisting the procuring activity shall promptly notify the requestor by letter of the determination of the Administrator or his designee and the basis therefor. Such letter shall state the scope, terms, and conditions of the waiver if granted. Where a waiver of an identified invention (other than under an advance waiver) has been granted, the letter shall inform the requestor that the waiver shall be effective on the date of such letter; provided a copy of the letter is signed and returned to patent counsel by the requestor acknowledging the acceptance of the scope, terms, and conditions of the waiver. Whenever a requested determination has been denied, the requestor may, within thirty (30) days, request reconsideration. Such request shall include any additional facts and rationale not previously submitted which support the request. Requests for reconsideration shall be submitted and processed in accordance with the procedures set forth in paragraph (d) of this section.

(e) *Content of waiver requests.* (1) All requests for waiver shall include the following information:

(i) The requestor's identification, business address, and, if represented by counsel, the counsel's name and address.

(ii) An identification of the pertinent contract or proposed contract and a copy of the contract statement of work or a non-proprietary statement which fully describes the proposed work to be performed.

(iii) The nature and extent of waiver requested.

(iv) A full and detailed statement of facts, to the extent known by or available to the requestor, directed to each of the considerations set forth in paragraph (b) or (c) of this section, as applicable, and a statement applying such facts and considerations to the policies set forth in paragraph (a) of this section. It is important that this submission be tailored to the unique aspects of each request for waiver, and be as complete as feasible.

(v) The signature of the requestor or his authorized representative with the following statement:

The facts set forth in this request for waiver are within the knowledge of the requestor and are submitted with the intention that the Administrator or his designee rely on them in reaching the waiver determination.

(2) Requests for waiver for identified inventions shall additionally include:

(i) The full names of all inventors.

(ii) A statement of whether a patent application has been filed on the invention, together with a copy such application if filed, or, if not filed, a complete description of the invention.

(iii) If a patent application has not been filed, any information which may indicate a potential statutory bar to the patenting of the invention under 35 USC 102 or a statement that no bar or potential bar is known to exist.

(iv) Where the requester is the inventor, written authorization from the applicable contractor or subcontractor permitting the inventor to request a waiver.

(3) All material submitted in requests for waiver or in support thereof will be made available to the public after a determination on the waiver request has been made, regardless of whether a waiver is granted. Accordingly, requests for waiver should not contain information or data that the requester is not willing to have made public.

(f) *Reimbursement of costs.* In order to protect the interest of the Government and the party submitting a waiver request, the filing of a United States patent application prior to the waiver determination is permissible. If an application on a Subject Invention is filed during the pendency of the determination, or within 60 days prior to the receipt of a request by ERDA, ERDA shall reimburse the party filing the application for the reasonable filing costs and for any patent prosecution that may have occurred as provided by 41 CFR 1-15.205-26 or 41 CFR 1-15.309-22. Whenever such costs are not covered by 41 CFR 1-15.205-26 or 41 CFR 1-15.309-22, ERDA may nevertheless reimburse the requester causing the application to be filed for the reasonable costs of such filing and for any patent prosecution that may have occurred, subject to the availability of funds, provided:

(1) The Administrator or his designee determines that the requester is not entitled to the waiver; and

(2) Prior to reimbursement, the requestor assigns the application to, and ERDA accepts the assignment of the application.

(g) *Record waiver determinations.* The Assistant General Counsel for Patents shall maintain and periodically update a

publicly available record of waiver determinations.

(h) *Waiver situations and types of waivers.* (1) The various factual situations which are appropriate for waivers cannot be categorized precisely inasmuch as the appropriateness of a waiver will depend upon the manner in which the considerations set forth in paragraph (b) or paragraph (c) of this section relate to the facts and circumstances surrounding the particular contracting situation or the particular invention in order to best achieve the objectives set forth in paragraph (a) of this section. However, some examples where waivers might be appropriate are the following:

(i) Cost-sharing contracts;

(ii) Situations in which ERDA is providing increased funding to a specific ongoing privately sponsored research, development, or demonstration project;

(iii) Situations involving the private use of Government facilities and the contractor is funding all or a part of such costs; and

(iv) Situations in which the equities of the contractor are so substantial in relation of that of the Government that the waiver is necessary to obtain the participation of the contractor.

(2) As stated in paragraph (a) of this section, waivers may be granted as to all or any part of the rights of the United States to an invention except for certain rights set forth in paragraph (h)(1)(i) of this section. Accordingly, the waiver of all patent rights that are inherent to an invention, rather than part of the rights, will not necessarily be appropriate. The scope of the waiver will depend upon the relationship of the contractual situation or identified invention to the considerations set forth in paragraph (b) or (c) of this section in order to best achieve the objectives set forth in paragraph (a) of this section.

For example, waivers may be restricted to a particular field of use in which the contractor has substantial equities or a commercial position, or restricted to those uses that are not the primary object of the contract effort. Waivers may also be limited to particular geographical locations, may be made effective only for a specified duration of time, or may require the contractor to license others at reduced royalties in consideration of the Government's contribution to the research, development, or demonstration effort.

(i) *Terms and conditions of waivers.* Each waiver shall contain, as a minimum, provisions covering each of the following:

(1) Advance waivers shall apply only to inventions reported in accordance with paragraph (e)(2)(i) of the clause of § 9-9.107-5(a) and with which is included an election as to whether the contractor will retain the rights waived in the invention, and specifying those countries in which rights will be retained.

(2) Subject to the rights granted in paragraphs (c) (1), (2) and (3) of the clause of § 9-9.107-5(a), the contractor or inventor shall agree to convey to the Government, upon request, the entire domestic right, title, and interest in any Subject Invention when the contractor or inventor as appropriate:

(i) Does not elect, in accordance with (i)(1) of this section to retain such rights; or

(ii) Fails to have a United States patent application filed on the invention in accordance with paragraph (i)(5) of this section, or decides not to continue prosecution of such application; or

(iii) At any time, no longer desires to retain title.

(3) Subject to the rights granted in paragraph (c) (1), (2) and (3) of the clause of § 9-9.107-5(a), the contractor or inventor shall agree to convey to the Government, upon request, the entire right, title and interest in any Subject Invention in any foreign country if the contractor or inventor, as appropriate:

(i) Does not elect, in accordance with paragraph (i)(1) of this section, to retain such rights in the country; or

(ii) Fails to have a patent application filed in the country on the invention in accordance with paragraph (i)(6) of this section, or decides not to continue prosecution or to pay any maintenance fees covering the invention. To avoid forfeiture of the patent application or patent, the contractor or inventor shall notify the contracting officer or patent counsel not less than 60 days before the expiration period for any action required by the foreign patent office.

(4) Conveyances requested pursuant to paragraph (i) (2) or (3) of this section shall be made by delivering to the contracting officer or patent counsel duly executed instruments and such other papers as are deemed necessary to vest in the Government the entire right, title, and interest in the invention to enable the Government to apply for and prosecute patent applications covering the invention in this or the foreign country, respectively, or otherwise establish its ownership of the invention.

(5) (i) With respect to each invention in which the contractor has an advance waiver and elects to retain domestic rights pursuant to paragraph (i)(1) of this section, the contractor shall have a domestic patent application filed within 6 months after submission of the invention disclosure pursuant to paragraph (e)(2)(i) of the clause of § 9-9.107-5(a) or such longer period as may be approved by the contracting officer or patent counsel for good cause shown in writing by the contractor or inventor. For identified inventions waived to the contractor or inventor, the contractor or inventor shall have a domestic patent application filed within 6 months after the waiver has become effective. With respect to such inventions, the contractor or inventor shall promptly notify the contracting officer or patent counsel of any decision not to file an application.

(ii) For each Subject Invention on which a patent application is filed by the contractor or inventor, the contractor or inventor shall:

(A) Within 2 months after the filing or within months after submission of the invention disclosure if the patent application previously has been filed, deliver to the contracting officer or patent counsel a copy of the application as filed including the filing date and serial number;

(B) Include the following statement in the second paragraph of the specification of the application and any patents issued on a Subject Invention, "The Government has rights in this invention pursuant to Contract No. _____ (or Grant No. _____) awarded by the U.S. Energy Research and Development Administration.";

(C) Within 6 months after filing the application or within 6 months after submitting the invention disclosure if the application has been filed previously, deliver to the contracting officer or patent counsel a duly executed and approved instrument fully confirmatory of all rights to which the Government is entitled, and provide ERDA an irrevocable power to inspect and make copies of the patent application filed;

(D) Provide the contracting officer or patent counsel with a copy of the patent within 2 months after a patent is issued on the application; and

(E) Not less than 30 days before the expiration of the response period for any action required by the Patent and Trademark Office, notify the contracting officer or patent counsel of any decision not to continue prosecution of the application and deliver to the contracting officer or patent counsel executed instruments granting the Government a power of attorney.

(iii) For each invention in which the contractor initially elects pursuant to (i)(1) of this section not to retain the rights waived, the contractor shall inform the contracting officer or patent counsel promptly in writing of the date and identify of any on sale, public use, or public disclosure of the invention which may constitute a statutory bar under 35 U.S.C. 102, which was authorized by or known to the contractor, or any contemplated action of this nature.

(6) (i) With respect to each Invention in which the contractor elects pursuant to (i)(1) of this section to retain the rights waived in a foreign country, or in which the contractor or inventor has obtained a waiver of foreign rights on an identified invention, the contractor or inventor shall have a patent application filed on the invention in that country, in accordance with applicable statutes and regulations, and within one of the following periods:

(A) Eight (8) months from the date of a corresponding United States application filed by the contractor or inventor, or if such an application is not filed, 6 months from the date the invention is submitted in a disclosure pursuant to paragraph (c)(2)(i) of the clause of § 9-9.107-5(a);

(B) Six (6) months from the date a license is granted by the Commissioner of Patents and Trademarks to file foreign applications where such filing has been prohibited by security reasons; or

(C) Such longer period as may be approved by the contracting officer or patent counsel.

(ii) The contractor or inventor shall notify the contracting officer or patent counsel promptly of each foreign application filed and upon written request shall furnish an English version of the application without additional compensation.

(7) The contractor or inventor shall, three years after a waiver is effective as to an invention, and at three-year intervals thereafter, and when specifically requested ERDA, furnish ERDA a report setting forth:

(i) the commercial use that is being made, or is intended to be made, of said invention, and

(ii) the steps taken to bring the invention to the point of practical application or to make invention available for licensing;

(8) The Government's retention of at least an irrevocable, nonexclusive, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the Government (including any Government agency) and States and domestic municipal governments, unless the Administrator or his designee determines that it would not be in the public interest to acquire the license for the States and domestic municipal governments.

(9) The right in the Administrator to require the granting of a nonexclusive, exclusive, or partially exclusive license to a responsible applicant or applicants, upon terms reasonable under the circumstances:

(i) To the extent that the invention is required for public use by Governmental regulations;

(ii) As may be necessary to fulfill health, safety or energy needs; or

(iii) For such other purposes as may be stipulated in the applicable agreement.

(10) The right of the Administrator or his designee to terminate such waiver in whole or in part unless the recipient of such waiver demonstrates to the satisfaction of the Administrator or his designee that effective steps have been taken, or within a reasonable time thereafter are expected to be taken, necessary to accomplish substantial utilization of the invention.

(11) The right in the Administrator, commencing four years after a waiver is effective as to an invention, to require the granting of a nonexclusive or partially exclusive license to a responsible applicant or applicants, upon terms reasonable under the circumstances, and in appropriate circumstances to terminate the waiver in whole or in part, following a hearing upon notice thereof to the public, upon a petition by an interested person justifying such hearing:

(i) If the Administrator or his designee determines, upon review of such material as he deems relevant, and after the recipient of the waiver, or other interested person, has had the opportunity to provide such relevant and material information as the Administrator or his designee may require, that such waiver has tended substantially to lessen competition or to result in undue market concentration in any section of the United States in any line of commerce to which the technology relates; or

(ii) Unless the recipient of the waiver demonstrates to the satisfaction of the Administrator or his designee at such hearing that he has taken effective steps, or within a reasonable time thereafter is expected to take such steps, necessary to accomplish substantial utilization of the invention.

(j) *Terminations.* (1) Any waiver may be terminated at the discretion of the Administrator, or his designee, in whole or in part, if the request for waiver is found to contain false material statements or nondisclosure of material facts, and such were specifically relied upon in reaching the waiver determination.

(2) Any waiver, as applied to particular inventions, may be terminated at the discretion of the Administrator or his designee, in whole or in part, if the requirements set forth in paragraph (i) of this section (Terms and conditions) have not been fulfilled, and such failure is determined by the Administrator or his designee to be material and detrimental to the interests of the United States and the general public.

(3) Prior to terminating a waiver under paragraph (j)(1) or (j)(2) of this section, the recipient of the waiver will be given written notice of the intention to terminate the waiver, the extent of such proposed termination and the reason therefor, and a period of 30 days, or such longer period as the Administrator or his designee shall determine for good cause shown in writing, to show cause why the waiver should not be so terminated.

(4) All terminations of waivers shall be subject to the rights granted in paragraphs (c) (1), (2) and (3) of the clause of § 9-9.107-5(a), and termination shall normally be partial in nature, requiring the waiver recipient to grant nonexclusive or partially exclusive licenses to responsible applicants upon terms reasonable under the circumstances.

(k) *Effective date.* Waivers shall be effective on the following dates:

(i) For advance waivers of identified inventions, on the date of contract execution, even though the advance waiver may have been requested after this date;

(ii) For identified inventions under advance waivers, on the date the invention is reported with the election to retain rights as to that invention; and

(iii) For waivers of identified inventions (other than under an advance waiver), on the date of the letter notifying the requestor that the waiver has been granted. (paragraph (d)(8) of this section).

Subpart B—Technical Data and Copyrights

§ 9-9.110 Reporting of royalties.

In order that ERDA may be informed regarding royalty payments to be made by a contractor or subcontractor in connection with any procurement, construction, or operation where the amount of the royalty payments is reflected in the contract price, or is to be reimbursed by the Government, the negotiator shall (a) obtain from the offeror information concerning the royalty payments expected to be made in connection with the proposed procurement, construction, or operation, together with the names of the licensors and either the patent numbers involved or such other information as will permit identification of the patents and patent applications as well as the basis on which the royalties are to be paid, and (b) obtain from the offeror a certificate that the contract price includes no amount representing the payment of any royalty by the offeror directly to others in connection with the performance of the contract, or (c) insert in the contract the clause set forth below:

REPORTING OF ROYALTIES

If this contract is in an amount which exceeds $10,000 and if any royalty payments are directly involved in the contract or are reflected in the contract price to the Government, the contractor agrees to report in writing to the Contracting Officer or Patent Counsel during the performance of this contract and prior to its completion or final settlement the amount of any royalties or other payments paid or to be paid by it directly to others in connection with the performance of this contract together with the names and addresses of licensors to whom such payments are made and either the patent numbers involved or such other information as will permit identification of the patents or other basis on which the royalties are to be paid. The approval of ERDA of any individual payments or royalties shall not stop the Government at any time from contesting the enforceability, validity or scope of, or title to, any patent under which a royalty or payments are made.

§ 9-9.200 Scope of subpart.

This subpart sets forth ERDA's policy, procedures, and contract clauses with respect to the acquisition and use of technical data and copyrights in contracts or subcontracts entered into, with or for the benefit of the Government.

§ 9-9.201 Definitions.

For the purpose of this subpart, the following terms have the meanings set forth below:

"Technical Data" means recorded information, regardless of form or characteristic, of a scientific or technical nature. It may, for example, document research, experimental, developmental, demonstration, or engineering work or be usable or used to define a design or process or to procure, produce, support, maintain, or operate materiel. The data may be graphic or pictorial delineations in media such as drawings or photographs, text in specifications or related performance or design type documents, or computer software or printouts. Examples of technical data include research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identification, and related information. Technical data as used in this Subpart does not include financial reports, cost analyses, and other information incidental to contract administration.

"Proprietary Data" means technical data which are trade secrets, such as may be included in design procedures or techniques, chemical composition of mate-

rials, or manufacturing methods, processes, or treatments.

"Subject Data" means technical data resulting directly from performance of the contract and technical data which are specified to be delivered, or which are in fact, delivered pursuant to a contract.

§ 9–9.202 Acquisition and use of technical data.

§ 9–9.202–1 General.

(a) The provisions herein pertain to contracts other than those for the operation of a Government-owned facility and special contracts covered by § 9–9.202–4. Under ERDA's broad charter to perform research, development, and demonstration work in both nuclear and nonnuclear fields, and in operating Government-owned facilities, ERDA has extensive needs for technical data. The satisfaction of these needs and the achievement of ERDA's objectives through a sound data policy are found in the balancing of the needs and equities of the Government, industry, and the general public.

(b) It is important to keep a clear distinction between contract requirements for the furnishing of technical data on the one hand, and rights in the technical data furnished on the other. The legal rights which the Government acquires in technical data are set forth in the "Rights in Technical Data" clause of § 9–9.202–3. However, this clause does not obtain for the Government the delivery of any data whatsoever. Rather, known requirements for the technical data to be furnished by the contractor shall be set forth as part of the contract Statement of Work. A "Technical Data Requirements" clause is included in this Subpart to provide the contracting officer with an option to require the contractor to furnish additional technical data, the requirement for which was not known at the time of contracting. There is, however, a built-in limitation on the kind of technical data which a contractor may be required to deliver under either the contract Statement of Work or the "Technical Data Requirements" clause. This limitation is found in the withholding procedure of (e) of the "Rights in Technical Data" clause of § 9–9.202–3, which provides that the contractor need not furnish, even though ordered, "proprietary data" concerning an item or process which was developed at private expense. It is specifically intended that the contractor may withhold such proprietary data even though a general or specific requirement for technical data contained in the Statement of Work or required pursuant to the "Technical Data Requirements" clause would seemingly require the furnishing of proprietary data. This withholding of proprietary data is the primary means by which the contractor may protect its equitable position.

(c) There are, however, two situations where the Government, or its representative, may have limited access to a contractor's proprietary data. First, paragraph (f) of the "Rights in Technical Data" clause gives the contracting officer's representatives the limited right to inspect at the contractor's facility the contractor's proprietary data which was withheld from delivery under paragraph (e) for the purpose of verifying that such data was properly withheld or to evaluate work performance. The second situation is provided in optional paragraph (g) of the "Rights in Proprietary Data" clause. When used, paragraph (g) provides the Government the right to require the contractor to furnish with limited rights the proprietary data previously withheld under paragraph (e). In this situation, the limited rights in proprietary data and the Government's agreement to use this proprietary data only for specified purposes provides the means by which the contractor protects its equitable position. Paragraph (g) will be used only where there is a real need for the delivery of proprietary data to the Government as determined by the procuring activity.

§ 9–9.202–2 Policy.

The technical data policy is directed toward achieving the following objectives:

(a) Making the benefits of the energy research, development, and demonstration programs of ERDA widely available to the public in the shortest practicable time;

(b) Promoting the commercial utilization of the technology developed under ERDA programs;

(c) Encouraging participation by private persons in ERDA programs; and

(d) Fostering competition and preventing undue market concentration or the creation or maintenance of other situations inconsistent with the antitrust laws.

§ 9–9.202–3 Procedures (Supply, Research, Development or Demonstration Contracts).

(a) *Known requirements of technical data.* The Government's known requirements for technical data shall be explicitly determined and made known to the contracting officer in time for inclusion in requests for proposals. These requirements will be discussed during negotiations, and will thereafter be included in the contract.

(b) *Additional requirements for technical data*—(1) *Requirements for technical data in contracts for research, development, or demonstration.* Whenever a contract has as a purpose the conduct of research, development, or demonstration work, the clause as set forth in paragraph (c) of this section shall be included in the contract. Depending upon ERDA's requirements for technical data in the particular procuring activity, subparagraphs (a) (2) (ii) or (iii) may be deleted in whole or in part, or modified as indicated by the cognizant program representative. Also, upon request by the contractor, provision (2) of paragraph (c) of this clause may be deleted, in which case the identification "(1)" for provision (1) should also be deleted.

(2) *Requirements for technical data in supply contracts.* The requirements for technical data in a supply contract should be known in advance of making the contract and shall be specifically set forth in the contract. "Proprietary data" will not be requested by the Government in procurements for standard commercial items. If the contracting officer feels that the technical data requirements furnished for incorporation into the contract are inadequate, further guidance shall be obtained from the cognizant program representative. If additional guidance is considered necessary, the services of patent counsel assisting the procuring activity should be requested in drafting a suitable contract provision, using the following "Technical Data Requirements" clause as a guide, when appropriate.

(c) *Technical data requirements clause.*

TECHNICAL DATA REQUIREMENTS

(a) To the extent that the following technical data is not elsewhere required to be furnished to the Government under this contract, and is of the type customarily retained in the normal course of business, the Contractor, upon written request of the Contracting Officer, at any time during contract performance or within one year after final payment, shall furnish the following:

(1) A set of engineering drawings which will be sufficient to enable the manufacture of items or equipment furnished under this contract (other than components or items of standard commercial design, or items fabricated heretofore) by a firm skilled in the art of manufacturing items of equipment of the general type and character of the items or equipment furnished under this contract or a set of flow sheets and engineering drawings which will be sufficient to enable performance of any process developed under this contract by a firm skilled in the art of practicing processes of the general type and character of such process. Such set or sets of drawings and flow sheets shall incorporate all changes made in the equipment or process in the form in which it was delivered to the Government.

(2) Any of the following technical data which is necessary to explain or help Government technical personnel understand any equipment, items, or process developed under the contract and furnished to the Government:

(i) A copy of drawings and other technical data used in or prepared in connection with the development, practice, and testing of any process or processes required under the contract, or with the development, fabrication, and testing of prototype models of equipment or items (other than items of standard commercial design or items fabricated heretofore), if required under the contract.

(ii) A report of all studies made in planning the work, and in developing background research for the work, including citation references to all such background research, and a copy of all compilations, digests, or analyses of such background research compiled in connection with the performance of this contract.

(iii) A copy of design, studies, research notes, parameter and tolerance studies, drawings, including Contractor's identification of symbols and markings, specifications, test results, and any other technical information used in any research, development, demonstration, design, engineering, and testing required in the performance of this contract, including test equipment and related items, together with any information as to safety precautions which may be necessary in connection with the manufacture, storage or use of the equipment, material, or process, if any, in the event that equipment, material, or process is the subject of research, develop-

ment, or demonstration work under this contract.

The Contractor shall not be required to furnish any technical data which may be described in (ii) and (iii) above unless such data is essential and closely related to the contract work.

(b) All technical data which are required to be furnished by the Contractor under this provision are "Subject Data" within the meaning of the "Rights in Technical Data" clause of this contract.

(c) Nothing contained in this "Technical Data Requirements" clause shall require the Contractor to deliver (1) any technical data, the delivery of which is excused by paragraph (e) and not called for under paragraph (h), if included, of the clause of this contract entitled "Rights in Technical Data"; or (2) technical data previously developed by parties other than the Contractor independently of this contract and acquired by the Contractor prior to this contract under conditions restricting the Contractor's right to disclose the same.

(d) In the event the Contracting Officer requests the delivery of technical data by the Contractor, as contemplated by (a) above, prior to final payment, such request shall be treated as a change under the clause of this contract entitled "Changes" and an equitable adjustment in the price, if this is a fixed-price contract, or estimated cost and any fixed fee, if this is a cost-type contract, shall be made to cover the cost of preparing drawings called for in (a)(1) above, and of collecting, preparing, editing, duplicating, assembling, and shipping the technical data requested under (a) above, but ony to the extent that the Contractor warrants that such costs were not included in the price (or estimated cost and fixed fee) of the contract. The Contractor shall comply with requests of the Contracting Office made under (a) above within one year following final payment, provided that suitable provision is made for reimbursement of the additional costs of complying with such request, together with a reasonable fee or profit thereon, such additional costs being limited to the costs set forth above, and warranted to have ben excluded from the price (or estimated cost and fixed fee) of the contract. Any adjustment or payment under this paragraph shall not include any amount for the value or the technical data, as distinguished from the costs set forth above.

(d) *Special instructions for proposals*—(1) *Requests for proposals.*

(i) Even though the contract Statement of Work sets forth the known requirements for technical data, there is no assurance that the contractor will furnish all of this data because paragraph (e) of the Rights in Technical Data clause permits the contractor to withhold certain proprietary data. In order to provide visibility as to which of the technical data the contractor will in fact withhold as proprietary data, and as an aid in determining whether to include optional paragraph (h) in the "Rights in Technical Data" clause, special instructions shall be included in Requests for Proposals (RFP). These instructions provide that RFP's will include ERDA's known requirements for technical data, and the offeror must list to the best of its knowledge which of this data will be withheld pursuant to paragraph (e) of the "Rights in Technical Data" clause, or state that no technical data will be withheld. When an offeror specifies that proprietary data is to be withheld, the contracting officer shall determine whether (1) the proprietary data need not be furnished, in which case optional paragraph (h) will not be included in the contract, (2) the Government needs limited rights in the proprietary data, in which case the optional paragraph (h) will be included in the contract, or (3) the Government needs unlimited rights in the proprietary data, in which case negotiations will be held to buy the proprietary data.

(ii) The following provision shall be included in all Requests for Proposals which may result in contracts calling for research, development, or demonstration work.

The section of this Request for Proposals (RFP) which describes the work to be performed also sets forth ERDA's known requirements for technical data. In addition, the "Technical Data Requirements" clause included in this solicitation provides the Government with the option to order additional technical data, the requirement for which was not known at the time of contracting. There is, however, a built-in limitation on the kind of technical data which may be required under either of those provisions. This limitation is found in paragraph (e) of the "Rights in Technical Data" clause included in this solicitation. This paragraph (e) provides that the Contractor need not furnish proprietary data concerning an item or process which was developed at private expense. In view of this, and to provide visibility, it is necessary that your proposal state that the known requirements for technical data set forth in the RFP have been reviewed, and further state either that, to the best of your knowledge, none of this data will be withheld, or list the data which will be withheld.

(2) *Unsolicited proposals.* For unsolicited proposals, the contracting officer, during negotiations, shall identify that data which, if a contract is awarded, will be required to be furnished under the contract. The offeror, as part of the negotiation record, shall be required to the best of his knowledge to submit a list of which of this data will be withheld pursuant to paragraph (e) of the "Rights in Technical Data" clause, or state that no technical data will be withheld. The contracting officer shall then make the determinations, as set forth in paragraph (d)(1)(i) of this section, pertaining to technical data identified to be withheld.

(e) *Rights in technical data.* (1) In contracts for supplies and contracts calling for research, development, or demonstration the "Rights in Technical Data" clause set forth in paragraph (2) below shall be included in the contract.

(2) *Rights in technical data clause.*

RIGHTS IN TECHNICAL DATA

(a) *Definitions.*

(1) "Technical Data" means recorded information regardless of form or characteristic, of a scientific or technical nature. It may, for example, document research experimental, developmental, or demonstration, or engineering work, or be usable or used to define a design or process, or to procure, produce, support, maintain, or operate materiel. The data may be graphic or pictorial delineations in media such as drawings or photographs, text in specifications or related performance or design type documents or computer software or printouts. Examples of technical data include research and engineering data, engineering drawings, and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identification, and related information. Technical data as used herein does not include financial reports, cost analyses, and other information incidental to contract administration.

(2) "Proprietary Data" means technical data which are trade secrets, such as may be included in design procedures or techniques, chemical composition of materials, or manufacturing methods, processes, or treatments.

(3) "Subject Data" means technical data resulting directly from performance of the contract and technical data which are specified to be delivered, or which are in fact, delivered pursuant to this contract.

(4) "Unlimited Rights" means rights to use, duplicate, or disclose technical data, in whole or in part, in any manner and for any purpose whatsoever, and to have others to do so, without any claim for compensation by the Contractor.

(b) *General.*

The Government shall have:

(1) Unlimited rights in all Subject Data unless otherwise limited below; and

(2) The right at any time to modify, remove, or ignore any markings on Subject Data not authorized by this contract.

(c) *Copyrights.*

(1) The Contractor agrees to and does hereby grant to the Government, and to its officers, agents, servants, and employees acting within the scope of their official duties, (i) a royalty-free, nonexclusive, irrevocable license to reproduce, translate, publish, use, and dispose of, and to authorize others so to do, all copyrightable material first produced or composed under this contract by the Contractor, its employees or any individual or concern specifically employed or assigned to originate and prepare such material; and (ii) a license as aforesaid under any and all copyrighted or copyrightable work not first produced or composed by the Contractor in the performance of this contract but which is incorporated in the material furnished under the contract, provided that such license shall be only to the extent the Contractor now has, or prior to completion or final settlement of the contract, may acquire the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

(2) The Contractor agrees that it will not include any copyrighted material in any written or copyrightable material furnished or delivered under this contract, without a license as provided for in paragraph (1)(ii) hereof, or without the consent of the copyright owner, unless specific written approval of the Contracting Officer to the inclusion of such copyrighted material is secured.

(3) The Contractor agrees to report to the Contracting Officer or Patent Counsel promptly and in reasonable written detail any notice or claim of copyright infringement received by the Contractor with respect to any material delivered under this contract.

(d) *Relation to patents.*

Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any licenses of other rights otherwise granted to the Government under any patent.

(e) *Withholding of proprietary data.*

Proprietary data need not be furnished for items or processes, including minor modifications thereof, which were developed at private expense and which are incorporated as component parts in or to be used with the product or process being developed or furnished under this contract, if in lieu thereof the Contractor provides the Contracting Officer a list of such items or processes, and furnishes data for the purpose of identify-

ing sources, size, configuration, mating and attachment characteristics, functional characteristics and performance requirements ("form, fit and function" data).

(f) *Inspection rights.*

Except as specified in the contract schedule for specific items of proprietary data the Contracting Officer's representatives, at all reasonable times, may inspect at the Contractor's facility any proprietary data withheld pursuant to paragraph (e) of this clause for the purposes of verifying that such data properly fell within the withholding provision of paragraph (e) or to evaluate work performance.

(3) *Optional clause—limited rights in proprietary data for use in supply contracts.* In negotiated supply contracts where "proprietary data" is required to be furnished under the contract with limited rights in the Government, the "Rights in Technical Data" clause as set forth in (e)(2) of this section should be supplemented by the additional paragraph (g) set forth below. The contract Statement of Work must identify the "proprietary data" which is to be furnished and made subject to such limitations. Paragraph (g) below is not authorized for use in a contract having as one of its principal purposes, research, development, or demonstration work.

(g) *Limited rights in proprietary data.*

That portion of the Subject Data delivered under this contract which is identified in the contract as being "proprietary data" shall not be disclosed outside the Government, or be used, in whole or in part for procurement or manufacturing purposes without permission of the Contractor except that such "proprietary data" may be used by the Government or its representatives in connection with emergency repair or overhaul of an item acquired under the contract where the item is not procurable commercially so as to enable the timely performance of the overhaul or repair work; provided, however, that any other party receiving the "proprietary data" shall contractually agree to the foregoing use restrictions and to make no other use or disclosure of the "proprietary data." The following legend must be marked on each piece of "proprietary data" so limited either in its entirety or only partially as to its contents at the time of initial delivery to the Government:

LIMITED RIGHTS IN PROPRIETARY DATA

Furnished under Contract No. ---------- with the United States Energy Research and Development Administration and only those portions hereof which are marked (for example, by circling, underscoring, or otherwise) and indicated as being subject to this legend shall not be disclosed outside the Government nor be disclosed, used, or duplicated, for procurement or manufacturing purposes, except as otherwise authorized by contract, without the permission of ---------- This legend shall be marked on any reproduction hereof in whole or in part.

(4) *Optional clause—limited rights in proprietary data (research, development, or demonstration contracts).* In research, development, or demonstration contracts where it is determined that notwithstanding the provisions of Paragraph (e) of this section, delivery of proprietary data is necessary, albeit with limited rights in the Government, the "Rights in technical data" clause as set forth in paragraph (e)(2) of this section should be supplemented by the additional paragraph (g) set forth below. It should be noted that this paragraph does not entitle the contractor to place a "limited rights in proprietary data" legend on any technical data furnished to the Government unless the contracting officer requests in writing identified technical data previously withheld pursuant to paragraph (e) of the "Rights in technical data" clause.

(g) *Limited rights in proprietary data.*

The Contractor shall, upon written request from the Contracting Officer, promptly deliver to the Government any "proprietary data" withheld pursuant to paragraph (e) of the "Rights in technical data" clause of this contract. The following legend and no other is authorized to be affixed on any "proprietary data" delivered pursuant to this provision, provided the "proprietary data" meets the conditions for initial withholding under paragraph (e) of the "Rights in technical data" clause. The Government will thereafter treat the "proprietary data" in accordance with such legend.

LIMITED RIGHTS IN PROPRIETARY DATA

This "proprietary data," furnished under Contract No. ---------- with the United States Energy Research and Development Administration (and purchase order No. ---------- if applicable) may be duplicated and used by the Government with the express limitations that the "proprietary data" may not be disclosed outside the Government, nor be used for purposes of manufacture, without prior permission of the Contractor; provided, however, that this "proprietary data" may be disclosed to other contractors participating in the Government's program of which this contract is a part, for use in connection with the work performed under their contract.

These restrictions do not limit the Government's rights to use or disclose any data obtained from another source without restriction. This legend shall be marked on any reproduction of this data in whole or in part.

(5) *Optional clause—third party licensing.* In many contracting situations the achievement of ERDA's objectives would be frustrated if the Government at the time of contracting did not obtain on behalf of third parties limited license rights in and to contractor proprietary data. Where, for example, the contractor is required to provide third party licensing of background patents, consideration should be given to securing co-extensive license rights to third parties at reasonable royalties, and under appropriate restrictions, for contractor proprietary data in order to practice the technology resulting from the contract. When such a license right is deemed necessary, the "Rights in Technical Data" clause as set forth in (e)(2) of this section should be supplemented by the addition of a paragraph of the type of (h) below. Paragraph (h) will normally be sufficient to cover contractor proprietary data for items and processes that may be necessary in order to insure widespread commercial use of the contract results. Where, however, contractor proprietary data covers the main purpose of the research, development, or demonstration effort of the contract, the limitations to the paragraph set forth in paragraphs (i)–(iv) should be modified or deleted. When, on the other hand, contractor proprietary data is not deemed essential to the successful practice of the results of the contract, e.g., where commercial alternatives are available or the market is being supplied in sufficient quantities and at reasonable prices, the limited license rights to third parties as set forth in clause (h) below will not be required.

(g) [Reserved]

(h) *Third Party Licensing.*

The Contractor agrees that upon written application by ERDA, it will grant to responsible parties for purposes of practicing the results of this contract nonexclusive licenses under any Contractor proprietary data on terms and conditions reasonable under the circumstances; provided, however, the Contractor shall not be obligated to license any Contractor proprietary data if the Contractor demonstrates to the satisfaction of the Administrator or his designee that:

(i) the data is not essential to the manufacture or practice of hardware designed or fabricated, or processes developed, under this contract;

(ii) the data, in the form of results obtained by its use has a commercially competitive alternative available from other sources;

(iii) the data, in the form of results obtained by its use, is being supplied by the Contractor in sufficient quantity and at reasonable prices to satisfy market needs; or

(iv) the data, in the form of results obtained by its use, can be furnished by a firm skilled in the art of manufacturing items or performing processes of the same general type and character necessary to achieve the contract results.

(6) *Subcontracting.* The policy expressed in this subpart is applicable to prime contracts and subcontracts regardless of tier. It will be recognized that unless the subcontract activity contemplates research, development, or demonstration work, the requirements for technical data will be identical to those for supply contracts and will not normally require a "Technical Data Requirements" clause. The "Rights in Technical Data" clause set forth in paragraph (e)(2) of this section, however, will normally be included in all subcontracts not requiring the furnishing of technical data.

§ 9–9.202–4 Procedures (Government owned, contractor operated facilities, and other special contracts).

(a) *Rights in technical data clause.* Whenever a contract has as a purpose (1) the operation of a Government-owned research or production facility, or (2) special long-term, cost-reimbursement Government-funded research, development, or demonstration work, the clause as set forth below shall be included in the contract. Inasmuch as this clause secures to the Government ownership of all technical data which results directly in the performance of the contract activity, there is no need that a "Data Requirements" clause be included.

RIGHTS IN TECHNICAL DATA—SPECIAL

(a) *Definitions.*

(1) "Technical Data" means recorded information, regardless of form or characteristic, of a scientific or technical nature. It

may, for example, document research, experimental, developmental, or demonstration, or engineering work or be usable or used to define a design or process or to procure, produce, support, maintain, or operate material. The data may be graphic or pictorial delineations in media such as drawings or photographs, text in specifications or printouts. Examples of technical data include research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identification and related information. Technical data as used herein does not include financial reports, cost and analyses and other information incidental to contract administration.

(2) "Proprietary Data" means technical data which are trade secrets, such as may be included in design procedures or techniques, chemical composition of materials, or manufacturing methods, processes, or treatments.

(b) *General.* All technical data, as well as all copies thereof, resulting directly from performance of the contract work, shall be subject to inspection by the Contracting Officer or his representatives at all reasonable times (for which inspection the proper facilities shall be afforded ERDA by the Contractor and its subcontractor), shall be the property of the Government and may be used by the Government for any purpose whatsoever without any claim on the part of the Contractor and its subcontractors and vendors for additional compensation and shall, subject to the right of the Contractor to retain a copy of said data for its own use, be delivered to the Government, or otherwise disposed of by the Contractor, either as the Contracting Officer may from time to time direct during the progress of the work or in any event as the Contracting Officer shall direct upon completion or termination of this contract. The Contractor's right of retention and use shall be subject to the security, patent, and use of information provisions, if any, of this contract.

(c) *Relation to patents.* Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other rights otherwise granted to the Government under any patent.

(d) *Copyrights.* (1) The Contractor agrees, to and does hereby grant to the Government, and to its officers, agents, servants and employees acting within the scope of their duties, (i) a royalty-free, nonexclusive, irrevocable license to reproduce, translate, publish, use, and dispose of and to authorize others so to do, all copyrightable material first produced or composed under this contract by the Contractor, its employees or any individual or concern specifically employed or assigned to originate and prepare such material; and (ii) a license as aforesaid under any and all copyrighted or copyrightable work not first produced or composed by the Contractor in the performance of this contract but which is incorporated in the material furnished under the contract, provided that such license shall be only to the extent the Contractor now has, or prior to completion or final settlement of the contract may acquire the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

(2) The Contractor agrees that it will not include any copyrighted material in any written or copyrightable material furnished or delivered under this contract, without a license as provided for in paragraph (1) (ii) hereof, or without the consent of the copyright owner, unless specific written approval of the Contracting Officer to the inclusion of such copyrighted material is secured.

(3) The Contractor agrees to report to the Contracting Officer or Patent Counsel promptly and in reasonable written detail, any notice or claim of copyright infringement received by the Contractor with respect to any material delivered under this contract.

(b) *Optional clause—rights to proprietary data.* Where there is a necessity to acquire the rights in and to a contractor's proprietary data, the following paragraph should be added after paragraph (d) of the "Rights in Technical Data" clause of this section.

(e) In addition to the rights of the parties in technical data set forth in paragraph (b) of this clause, the Contractor agrees to and does hereby grant to the Government an irrevocable, non-exclusive license and right to use by or for the Government any proprietary data of the Contractor, made, developed, or acquired prior to or on the effective date of expiration, or completion of this contract, which shall be or is utilized, tested, or embodied in the work under this contract, or which shall be or is specifically incorporated in any scientific or technical report rendered under this contract; provided, however, that to the extent that any proprietary data when furnished or delivered is specifically identified by the Contractor at the time of initial delivery to the Government, or its representative, the same shall not be used by the Government except in the performance of this or other contracts or subcontracts with or for the benefit of the Government, unless such technical data is generally available to the public or has been made available to the Government from other sources or previously by the Contractor without limitation as to use.

§ 9-9.202-5 Negotiations and deviations.

Contracting officers shall contact patent counsel assisting the procuring activity in selecting, negotiating, or approving appropriate data and copyright clauses in accordance with the procedures as set forth in § 9-9.107-4(i).

[FR Doc.75-27596 Filed 10-14-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 87]

[Docket No. 20606; RM No. 2491; FCC 75-1097]

UTILIZATION OF FREQUENCIES ASSIGNED FOR FLIGHT TEST

Notice of Proposed Rule Making

In the matter of revision of Parts 2 and 87 of the rules relative to utilization of frequencies assigned for flight test in the band 123.125-123.575 MHz.

1. Notice of Proposed Rule Making in the above-entitled matter is hereby given.

2. This proposal is being issued as a result of a petition by the Aerospace and Flight Test Radio Coordinating Council (AFTRCC), an organization whose membership consists of major entities in the aerospace manufacturing field.

3. In response to Docket No. 19647,[1] which was concerned with establishing 25 kHz channel spacing in the band 117.-975-136 MHz, AFTRCC recommended retention of certain frequencies for the exclusive use of aircraft manufacturers. They further recommended that certain frequencies be designated for itinerant use. Both of these suggestions were incorporated into the rules.

4. Since implementation of the rule changes contained in Docket 19647, the AFTRCC petition points out that certain changes are needed to "effect an orderly and economical transition to 25 kHz spacing, as well as minimize the potential for interference between flight test fixed land stations and flight test ground mobile operations." These changes requested are as follows:

a. In many cases, major component manufacturers use aircraft equipped with radio equipment capable of selecting only 50 kHz spaced channels. Airframe manufacturers, on the other hand, generally utilize aircraft equipped with radios capable of operating on 25 kHz spaced channels. To accommodate the additional need of component manufacturers for 50 kHz spaced channels while maintaining the present number of frequencies assigned to airframe manufacturers, AFTRCC proposes to interchange the frequencies 123.425 MHz and 123.450 MHz between paragraphs (a) and (b) of Section 87.331.

b. Because of greater itinerant needs than originally believed, AFTRCC proposes that four additional frequencies be designated exclusively for this use. They are 123.175 and 123.400 MHz under Section 87.331(a) and 123.150 and 123.575 MHz under Section 87.331(b).

c. AFTRCC states that a growing requirement exists for flight test frequencies for temporary periods at various airports throughout the United States. This requirement has, in many cases, been satisfied by using ground mobile units which are licensed for operation over large areas of the country. AFTRCC further points out that this has created an unacceptable interference problem when ground mobile units have moved within propagation range of a permanently located flight test station. AFTRCC proposes that "wide area" type mobile operations be restricted to designated itinerant frequencies and that ground mobile operations on other than itinerant frequencies be restricted to a distance no greater than a 200 mile radius from an associated flight test station at a fixed point.

d. AFTRCC points out that to allow an orderly transition the present "wide area" type mobile operation should be permitted until January 1, 1977. After that time, mobile operation would be restricted to a 200 mile radius of an associated flight test station at a fixed point, or changed to a designated itinerant frequency.

5. We believe these suggestions have merit and are proposing to change the rules to incorporate them. We have made an adjustment in that we are for administrative reasons proposing March 1, 1977, for terminating "wide area" operation in lieu of the January 1, 1977, date proposed by AFTRCC.

6. In addition to the changes proposed by AFTRCC, we propose to make the following administrative changes to Part 2 of the rules to correctly reflect the current authorizations.

[1] R&O, Docket 19647, 38 FR 29077, October 19, 1973.

(a) Delete Footnote US 2. This is unnecessary as the frequency 132.0 MHz is designated as NG use in the table; therefore, it needn't be so designated by footnote also.

(b) Footnote US 28 is changed to reflect a frequency band of 121.5875–121.9375 MHz. This change will reflect correctly the current authorizations.

(c) Footnote US 33 is changed to note that 121.950 MHz is available for aviation instruction.

7. The proposed amendments to the rules as set forth in the Appendix are issued pursuant to the authority contained in Sections 4(i), 303(b), (c), (f) and (r) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before November 10, 1975, and reply comments on or before November 20, 1975. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: October 1, 1975.

Released: October 7, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

1. Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

§ 2.106 Table of Frequency Allocations.

A. Section 2.106 is amended by changing Column 5, as follows:

5
* * * * *
117.975–121.9625 (273) (US 26) (US 28) (US 33) (US 85)
* * * * *
128.8125–132.0125 (US 85)
* * * * *

B. Section 2.106 footnotes are changed by deleting US 2 and modifying US 28 and US 33 as follows:

* * * * *

US 33 The band 121.5875–121.9375 MHz is for use by aeronautical utility land and mobile stations, and for air traffic control communications.

* * * * *

US 33 The band 123.1125–123.5875 MHz is for use by flight test and aviation instructional stations. The frequency 121.950 MHz is available for aviation instructional stations.

* * * * *

2. Part 87 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

A. Section 87.331 is modified in paragraphs (a) and (b) by changing the authorized frequencies and footnote references, paragraph (c) is modified by changing the footnote reference, and all footnotes are relocated to the end of the section following paragraph (g).

§ 87.331 Frequencies available.

(a) The following frequencies are available for assignment to ground and aircraft flight test stations.

Kilohertz	Megahertz	Megahertz	Megahertz
[1] 3281	[2] 123.175 [2] 123.200	[2] 123.225 [2] 123.375	[2] 123.400 [2] 123.450

[1] When A3A, A3H or A3J emission is used, the assigned frequency will be 3283.5 kHz (3281 kHz carrier frequency).

[2] This frequency is available only to stations used in itinerant operations which require that the station be transferred temporarily from time to time to various locations.

[3] Assignments for ground mobile operations on these frequencies will be limited to an area within a 200 mile radius of an associated flight test station at a fixed point; however, flight test station which are currently assigned these frequencies for wide area mobile operations may continue their use until March 1, 1977.

(b) The following additional frequencies are available for assignment only to flight test stations of aircraft manufacturers.

Megahertz	Megahertz	Megahertz	Megahertz
[2] 123.125	[2] 123.275	[2] 123.425	[2] 123.550
[2] 123.150	[2] 123.325	[2] 123.475	[2] 123.575
[2] 123.250	[2] 123.350	[2] 123.525	

[2] This frequency is available only to stations used in itinerant operations which require that the station be transferred temporarily from time to time to various locations.

[3] Assignments for ground mobile operations on these frequencies will be limited to an area within a 200 mile radius of an associated flight test station at a fixed point; however, flight test stations which are currently assigned these frequencies for wide area mobile operations may continue their use until March 1, 1977.

(c) The following frequencies are available for assignment to flight test stations for emergency and backup use only for communication with aircraft operating beyond the range of VHF propagation on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations. Types A3A, A3H, or A3J emission shall be employed. The carrier frequency in parentheses is 1.5 kHz below the assigned frequency.

kHz	*kHz*
2869.5(2868)	8918.5(8917)
2995.5(2994)	10010.5(10009)
3475.5(3474)	11288.5(11287)
4676.5(4675)	11376.5(11375)
4683.5(4682)	13357.5(13356)[4]
5470.5(5469)	17902.5(17901)
5597.5(5596)	17966.5(17965)
6660.5(6659)	

[4] Restricted to use in the Continental United States and Atlantic Ocean.

* * * * *

[FR Doc.75-27652 Filed 10-14-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 205]

TEMPORARY STAY RELIEF

Proposed Authority To Grant

The Federal Energy Administration hereby gives notice of a proposal to amend Part 205, Chapter II of Title 10, Code of Federal Regulations, to provide FEA with authority to grant temporary stay relief.

Section 205.125(b) sets forth the five criteria for the granting of a stay. Because the preparation of an application containing information relating to the satisfaction of these criteria, and FEA evaluation of that information as it relates to the five criteria, can be a time-consuming process, the FEA lacks the ability to grant immediate stay relief to parties who may be irreparably harmed by agency actions. Accordingly, it is proposed to establish a procedure for the granting of temporary stay relief where unusual circumstances exist and require an immediate suspension of FEA requirements to prevent an irreparable injury.

Under the proposed rule, a person who intended to file an application for stay could also file an "application for temporary stay" setting forth a description of the proceeding incident to which the temporary stay is being sought, and those facts and circumstances in support of the claim that the applicant would suffer irreparable injury unless immediate stay relief is granted. If FEA determined that the applicant had made a compelling showing of irreparable injury, it could grant a temporary stay. In addition, the rule would provide that FEA could issue a temporary stay on its own motion.

The proposal provides that the temporary stay order would expire according to its terms, but not more than twenty days after its issuance, except that the order would expire automatically at the end of five days unless during that time the applicant filed a complete application for stay. FEA could, for good cause shown, extend the time for filing an application for stay.

Finally, the proposal provides that as in the case of a stay, the grant or denial of temporary stay relief is not an order of the FEA subject to administrative review.

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the amendment proposed herein to Executive Communications, Room 3309, Federal Energy Administration, Box EM, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Temporary Stay Relief." Fifteen copies should be submitted. All comments received by October 28, 1975 before 4:30 p.m., e.d.t., and all relevant information will be considered before final action is taken on the proposed regulations.

Any information or data considered confidential by the person furnishing it 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 that determination.

FEA has determined that the procedural amendment proposed herein is not likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses and thus, under section 7(i)(1)(C) of the Federal Energy Administration Act of 1974, Pub. L. 93-275 ("FEAA"), a public hearing is not required. FEA has also determined that this proposed amendment would not affect the quality of the environment, and that therefore, under section 7(C)(2) of the FEAA, it need not be forwarded to the Administrator of the Environmental Protection Agency for his comments.

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. 93-511 and 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, it is proposed to amend Subpart I of Part 205 of Chapter II, Title 10 of the Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., October 8, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

1. Part 205 is revised by adding a new § 205.127 to read as follows:

§ 205.127 Temporary stay.

(a) In certain circumstances and upon application, the FEA may issue an order granting a temporary stay. Such an order may be issued if the FEA determines that an applicant has made a compelling showing that it would incur irreparable injury unless immediate stay relief is granted pending the submission of or determination on an application for stay pursuant to this subpart. An application for temporary stay shall be so labeled, and shall include a description of the proceeding incident to which the stay is being sought and of the facts and circumstances which support the applicant's claim that it will incur irreparable injury unless immediate stay relief is granted. The FEA on its own initiative may also issue an order granting a temporary stay upon a finding that a person will incur irreparable injury if such an order is not granted.

(b) An order granting a temporary stay shall expire by its terms within such time after issuance, not to exceed twenty (20) days, as the FEA fixes, except that it shall expire automatically five (5) days following its issuance if the applicant fails within that period to file an application for stay, unless within that period the FEA, for good cause shown, extends the time during which the applicant may file an application for stay.

(c) The grant or denial of a temporary stay is not an order of the FEA subject to administrative review.

[FR Doc.75-27638 Filed 10-9-75;11:53 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

COMMISSIONER'S ADVISORY GROUP

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776, 5 U.S.C. App. 1, Supp. II), the Office of the Commissioner of Internal Revenue Service announces the renewal of the following advisory committee:

Title: The Advisory Group to the Commissioner of Internal Revenue.

Purpose: The purpose of this Group is to provide constructive criticism of Service policies, procedures, and programs and suggest ways in which the Service can improve its operations; to furnish advice on solving particular problems; and, to serve as a sounding board on proposed new policies and programs affecting the public.

Termination Date: The services of the Group are expected to be needed for an indefinite period of time and no termination date of less than two years from the date the Committee's charter is approved by signature of the Assistant Secretary of the Treasury for Administration has been established.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-27713 Filed 10-14-75;8:45 am]

Office of the Secretary

BIRCH 3 PLY DOORSKINS FROM JAPAN

Determination of Sales at Less than Fair Value

Information was received on December 12, 1974, that birch 3 ply doorskins from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Assistant Secretary of the Treasury was published in the FEDERAL REGISTER of July 14, 1975 (40 FR 29557).

I hereby determine that for the reasons stated below, birch 3 ply doorskins from Japan are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of Reasons on Which this Determination is Based: The information currently before the U.S. Customs Service indicates that the proper basis of comparison for fair value purposes is between purchase price or exporter's sales price, as appropriate, and the constructed value of the imported merchandise, since home market or third country sales of such or similar merchandise at prices above the cost of production were deemed so small as to provide an inadequate basis of comparison.

Purchase price was caluculated on the basis of the f.o.b. packed, Japanese port price, with deductions for freight and shipping charges.

Exporter's sales price was calculated on the basis of the resale price to unrelated purchasers in the United States, with deductions for the applicable transportation and insurance costs, U.S. duty and selling expenses in the United States.

Constructed value was calculated on the basis of the sum of the cost of materials and fabrication of the merchandise, an amount for general expenses and profit related to the manufacture and sale of merchandise of the same general class or kind as the merchandise under consideration and the cost of all containers and coverings used to pack the merchandise ready for shipment to the United States.

Using the above criteria, purchase price or exporter's sales price, as appropriate, was found to be lower than the constructed value of the imported merchandise.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

OCTOBER 10, 1975.

[FR Doc.75-27803 Filed 10-14-75;8:45 am]

[Dept. Circular; Pub. Debt Series No. 31-75]

TREASURY NOTES OF SERIES N-1977

Dated and Bearing Interest From October 31, 1975, Due October 31, 1977

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $3,000,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series N-1977. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving Time, Thursday, October 16, 1975, under competitive and noncompetitive bidding, as set forth in Section III hereof.

II. DESCRIPTION OF NOTES

1. The notes will be dated October 31, 1975, and will bear interest from that date, payable semiannually on April 30, 1976, October 31, 1976, April 30, 1977, and October 31, 1977. They will mature October 31, 1977, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Daylight Saving time, Thursday, October 16, 1975. Each tender must state the face amount of notes bid for, which must be $5,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit ten-

ders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted prices 100.000 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $3,000,000,000 of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before October 31, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. Payment must be in cash, in other funds immediately available to the Treasury by October 31, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Tuesday, October 28, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Thursday, October 23, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

STEPHEN S. GARDNER,
Acting Secretary of the Treasury.

[FR Doc.75-27808 Filed 10-14-75;8:45 am]

[Supplement to Department Circular Public Debt Series No. 30-75]

INTEREST RATE

Redesignation

The Secretary of the Treasury announced on October 7, 1975, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 30-75, dated October 2, 1975, will be 8⅛ percent per annum. Accordingly, the notes are hereby redesignated 8⅛ percent Treasury Notes of Series H-1978. Interest on the notes will be payable at the rate of 8⅛ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-27646 Filed 10-14-75;8:45 am]

[Treasury Department Order No. 234-3]

UNDER SECRETARY FOR MONETARY AFFAIRS

Directive To Sell Gold

By virtue of the authority vested in me as Secretary of the Treasury by Section 9 of the Gold Reserve Act of 1934 (31 U.S.C. 733) and Reorganization Plan No. 26 of 1950, I hereby authorize and direct the Under Secretary for Monetary Affairs to take all necessary and proper measures, including direction of other officials of the Department, for the sale of approximately 14,100 fine troy ounces of gold from the United States' gold stocks to the American Revolution Bicentennial Administration from October 1975 through July 1976. Any actions heretofore taken by the Under Secretary for Monetary Affairs in connection with such sales are hereby ratified and confirmed as the actions of the Secretary.

Dated: October 7, 1975.

[SEAL] WILLIAM E. SIMON,
Secretary.

[FR Doc.75-27655 Filed 10-14-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON DEPARTMENT OF DEFENSE SPACE SHUTTLE UTILIZATION

Cancelled Meeting

The Defense Science Board Task Force on Department of Defense Space Shuttle Utilization cancels its meeting scheduled for 6 and 7 November 1975 at the Space and Missile System Organization, Los Angeles Air Force Station, California, as published in the FEDERAL REGISTER of September 29, 1975 (FR Doc. 75-25881).

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

OCTOBER 9, 1975.

[FR Doc.75-27670 Filed 10-14-75;8:45 am]

DDR&E HIGH ENERGY LASER REVIEW GROUP, HIGH ENERGY LASER ASSESSMENT BOARD

Notice of Closed Meetings

Pursuant to the provisions of Section 10 of Public Law 92-463, dated October 6, 1972, notice is hereby given that a closed meeting of the DDR&E High Energy Laser Review Group, High Energy Laser Assessment Board will be held on Friday, October 31, 1975, at Kirtland Air Force Base, New Mexico.

The subject matter of the meeting is classified in accordance with subparagraph (1) of Section 552(b) of Title 5 of the U.S. Code.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

OCTOBER 9, 1975.

[FR Doc.75-27752 Filed 10-14-75;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE ON SMALL AREAS

Public Meeting

The Census Advisory Committee on Small Areas will convene on November

20, 1975 at 9:15 a.m. in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Small Areas was established in 1965 to advise the Director, Bureau of the Census, on the development of statistical programs in metropolitan and other local communities regarding transportation, urban renewal, poverty, and other activities.

The Committee is composed of 15 members appointed by the Secretary of Commerce.

The agenda for the meeting is: (1) Topics of current interest at the Bureau of the Census, (2) Census Bureau and State of Indiana Statistical Services Demonstration Project, (3) Business Users Survey, (4) land use statistics, (5) status of 1980 census planning, (6) regional data user services, and (7) Census Bureau and Department of Health, Education and Welfare Region VII Information System Project.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Mr. Michael G. Garland, Chief, Data User Services Division, Bureau of the Census, Room 3069, Federal Building 3, Suitland, Marvland. (Mail Address: Washington, D.C. 20233). Telephone (301) 763–7720.

Dated: October 8, 1975.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

[FR Doc.75-27645 Filed 10-14-75;8:45 am]

CENSUS ADVISORY COMMITTEE ON STATE AND LOCAL GOVERNMENTS STATISTICS

Public Meeting

The Census Advisory Committee on State and Local Governments Statistics will convene on November 21, 1975 at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on State and Local Governments Statistics was established in October 1948 to advise the Director, Bureau of the Census on planning current work and various censuses of Governments, and to advise on where the needs of users of the statistics could be served better.

The Committee is composed of ten members appointed by the Secretary of Commerce, and five members appointed by the organization they represent.

The agenda for the meeting is: (1) Topics of current interest at the Bureau of the Census, (2) report on current programs, (3) impact of the Revenue Sharing Act on the Governments Division's statistical program—present and future, (4) new approaches to public employment data, (5) Census Bureau data relating to the study and administration of the property tax, (6) possible new programs and activities related to State and local government finances, and (7) 1977 Census of Governments planning and proposed changes.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Mr. Sherman Landau, Chief, Governments Division, Bureau of the Census, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233.) Telephone: (301) 763–7366.

Dated: October 9, 1975.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

[FR Doc.75-27644 Filed 10-14-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0219; DESI Nos. 8046, 1205]

CYCLOPENTAMINE HYDROCHLORIDE NASAL SOLUTION

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

A notice (DESI 8046) was published in the FEDERAL REGISTER OF February 9, 1973 (38 FR 4009), in which the Food and Drug Administration announced its conclusion that cyclopentamine hydrochloride nasal solution 1 percent, a prescription drug product, is less than effective (probably effective) for nasal congestion due to hay fever, vasomotor rhinitis, or the common cold; sinusitis; preoperative vasoconstriction of nasal and nasopharyngeal mucosa; and epistaxis due to nasal congestion, and that additional evidence is required to establish its effectiveness.

Another notice (DESI 1205) pertaining to certain over-the-counter (OTC) cold remedies was published in the FEDERAL REGISTER of July 8, 1972 (37 FR 13490), in which Agency action on these OTC drugs, including cyclopentamine hydrochloride nasal solution 0.5 percent was deferred pending the results of the OTC study. The notice announced the National Academy of Science-National Research Council's classification of the drugs and cyclopentamine hydrochloride nasal solution 0.5 percent was classified as probably effective for nasal congestion due to hay fever, vasomotor rhinitis, or the common cold; sinusitis; preoperative vasoconstriction of nasal and nasopharyngeal mucosa; and epistaxis due to nasal congestion. The notice also made reference to the announcement of May 11, 1972 (37 FR 9473), which stated the procedures for the OTC drug study and the required data to be submitted.

Because no data in support of effectiveness of the drug cyclopentamine for nasal use were submitted to the OTC drug study or to the Drug Efficacy Study, cyclopentamine hydrochloride nasal solution 0.5 percent and 1 percent are handled together in this notice, and the drugs are hereby reclassified as lacking substantial evidence of effectiveness. This notice, therefore, proposes to withdraw approval of the drug products described below. Persons wishing to request a hearing may do so on or before November 14, 1975.

Other products named in the notice of July 8, 1972, are not affected by this notice of opportunity for hearing.

1. NDA 6-666; Clopane Hydrochloride (nasal) Solution containing 0.5 percent cyclopentamine hydrochloride; and

2. NDA 8-046; Clopane Hydrochloride (nasal) Solution containing 1 percent cyclopentamine hydrochloride; both marketed by Eli Lilly and Co., P.O. Box 618, Indianapolis, IN 46206.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration,

Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before November 14, 1975, a written notice of appearance and request for hearing, and (2) on or before December 15, 1975, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and susbtantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: October 7, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-27607 Filed 10-14-75;8:45 am]

[FDA 225-76-4003]

MONITORING OF FOOD, BEVERAGE, AND SANITARY SERVICES ON COMMON CARRIERS

Memorandum of Understanding With the Medical Services Branch, Department of National Health and Welfare of Canada

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Medical Services Branch, Department of National Health and Welfare of Canada and the Food and Drug Administration have entered into an agreement concerning certain related objectives in carrying out their respective responsibilities. The agreement, which sets forth the working arrangements to be followed or adopted concerning the monitoring of food, beverage and sanitary services on common carriers operating between Canada and the United States, reads as follows:

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
MEDICAL SERVICES BRANCH, DEPARTMENT OF NATIONAL HEALTH AND WELFARE OF CANADA
AND THE
FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE OF THE UNITED STATES

The Medical Services Branch of the Department of National Health and Welfare of Canada (herein referred to as "MSB") and the Food and Drug Administration of the Department of Health, Education, and Welfare of the United States of America (herein referred to as "FDA") affirm by this document their intention to cooperate in the monitoring of food, beverage, and sanitary services provided on common carriers operating between Canada and the United States.

In order that the traveling public may enjoy more comprehensive consumer protection, and in furtherance of the need for cooperation in public health inspection and classification of sources of water supply used or liable to be used by common carriers and of catering establishments which handle, prepare, store, and transport food and beverage (including ice) to be served on board common carriers operating from and between points in Canada and the United States, it is intended that:

1. Canada and the United States will enforce their respective federal laws covering watering points, servicing areas, and catering operations, so that:

a. Services supplied in the United States for use by common carriers operating to and within Canada will meet or surpass the requirements of Canadian federal law as enforced by MSB; and

b. Services supplied in Canada for use by common carriers operating to or within the United States will meet or surpass the requirements of United States federal law as enforced by FDA.

2. There shall be, subject to the requirements of Canadian or United States federal law, as the case may be, a full and free exchange of all relevant information including technical information, instruction manuals, guidelines and training course materials as necessary to enable the parties, wherever appropriate, to adopt equivalent standards for inspections, classification, notification and reporting.

3. The parties may arrange for meetings at appropriate intervals between their respective field personnel, technical experts, and management, who will meet for the purpose of reviewing program operations, discussion of program strategy and planning, and general consultation.

4. Whenever inspections of watering points, servicing areas or catering establishments located in the country of one party are desired by the other party, the other party will endeavor to facilitate such inspections.

5. Joint inspections may be conducted, from time to time, in the United States or Canada, if mutually agreed to by the parties.

6. The format of reports relating to inspection, investigation and sample analysis submitted by either party to the other shall be similar and comparable.

7. The parties will provide each other immediately on becoming aware thereof, where permitted by the federal laws of Canada or the United States, as the case may be, information on findings that may constitute a health problem or a potential health hazard. This will include, subject as aforesaid, full exchange of information concerning food poisoning and food-related incidents and their investigation when related to food service on common carriers operating between Canada and the United States.

8. In furtherance of the general intention of this Memorandum of Understanding, MSB will enforce Canadian federal laws so that, wherever possible, services supplied in Canada by common carriers operating to or within the United States will meet or surpass

a. The requirements of United States regulations relating to the Interstate Travel Sanitation Program;

b. The potable water standards and requirements as set forth by the United States Environmental Protection Agency; and

c. The requirements applicable to food used by United States caterers under United States federal law.

9. In furtherance of the general intention of this Memorandum of Understanding, FDA will enforce United States federal laws so that, wherever possible, services supplied in the United States by common carriers operating to or within Canada will meet or surpass.

a. The requirements of the "Sanitary Code for Common Carriers, Construction Camps, and Eating Establishments under Federal Jurisdiction", issued by the MSB, January 1966, as amended from time to time;

b. The potable water standards and requirements as set forth in the Potable Water Regulations for Common Carriers, P.C. 1954–1213 of the Department of National Health and Welfare Act;

c. The requirements applicable to food used by Canadian caterers under Canadian federal law.

10. Environmental health personnel of either party who conduct inspections and submit reports thereon for use by the other party will be qualified to standards of inspection performance and will employ reporting terms and procedures that meet or surpass the requirements of the other party.

11. Information obtained pursuant to this Memorandum of Understanding by one party from the other will be treated as confidential, except where the federal laws of Canada or the United States, as the case may be, otherwise provide.

12. For the purpose of this Memorandum of Understanding:

a. The address of MSB and the name and address of its liaison officer shall be:

MSB
Medical Services Branch, Department of National Health and Welfare, 255 Argyle Avenue, Ottawa, Ontario K1A OL3.
Liaison Officer
Robert A. Sprenger, M.D., Senior Consultant, Quarantine & Regulatory, Medical Services Branch, Department of National Health and Welfare, 255 Argyle Ave., Ottawa, Ontario K1A OL3.

b. The address of FDA and the name and address of its liaison officer shall be:

FDA
Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20852.
Liaison Officer
Mr. Thomas H. Kingsley, Special Assistant for Special Programs, HFO-105, Office of the Executive Director of Regional Operations, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

13. This Memorandum of Understanding will become effective when signed by both parties and, subject as hereinafter provided, will continue for an indefinite period, but may be

a. Modified, if the parties mutually agree, or

b. Terminated by either party on the giving of thirty (30) days written advance notice to the other party.

The parties have approved and accepted this Memorandum of Understanding as indicated by the signatures of their proper officials in that behalf.

Department of National Health and Welfare of Canada, Medical Services Branch:

B. D. DEWAR,
Assistant Deputy Minister, Medical Services Branch.

Dated: August 20, 1975.

Department of Health, Education, and Welfare of the United States of America, Food and Drug Administration:

A. M. SCHMIDT,
Commissioner of Food and Drugs.

Dated: September 8, 1975.

Effective date. This Memorandum of Understanding became effective September 8, 1975.

Dated: October 7, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-27606 Filed 10-14-75;8:45 am]

Social and Rehabilitation Service

CERTIFICATION OF ALLOTMENT NEED Fiscal Year 1976

Notice is hereby given that each State shall, pursuant to Section 2002(a) (2) (B) of the Social Security Act, certify whether the amount of its allotment as promulgated in the FEDERAL REGISTER, on August 5, 1974 (39 FR 28178), is greater or less than the amount needed for Fiscal Year 1976 and if so the amount by which the amount of such allotment is greater or less than such need. The certification shall be made on or before November 15, 1975, and shall apply to the twelve month period beginning July 1, 1975, and ending June 30, 1976.

Dated: October 8, 1975.

JOHN C. YOUNG,
Acting Administrator.

[FR Doc.75-27610 Filed 10-14-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75 206]

NEW YORK HARBOR VESSEL TRAFFIC SYSTEM ADVISORY COMMITTEE Open Meeting

This is to give notice in accordance with Section 10(a) of the Federal Advisory Committee Act (P.L. 92-463; 5 U.S.C. App. 1), of 6 October 1972, that the New York Harbor Vessel Traffic System Advisory Committee will conduct an open meeting on Wednesday, 5 November 1975, in the Auditorium of Building 108, Governors Island, New York beginning at 10:30 AM.

Members of the Committee and their positions are:

Admiral John M. WILL, USN (Ret.) (Chairman), State of New York Board of Commissioners of Pilots.
Mr. H. H. ANDERSON, Jr., Yacht Racing Association of Long Island Sound.
Captain H. C. BREITENFELD, United New York Sandy Hook Pilots' Benevolent Association.
Captain W. H. BURRILL, State of New Jersey Board of Commissioners of Pilots.
Mr. P. R. ELLIOTT, U.S. Environmental Protection Agency.
Commissioner V. J. FOSSELLA, P.E., New York City Department of Marine and Aviation.
Captain H. E. FRITZKE, Jr., USN, U.S. Navy, Military Sealift Command.
Mr. A. GIALLORENZI, American Institute of Merchant Shipping—Petroleum Industry Representative.
Mr. A. HAMMON, Port Authority of New York and New Jersey.
Colonel T. C. HUNTER, Jr., USA, Department of the Army, Corps of Engineers.
Captain T. A. KING, U.S. Department of Commerce, Maritime Administration.
Captain T. J. McGOVERN, United New Jersey Sandy Hook Pilots' Benevolent Association.
Mr. R. W. SANDERS, New York Harbor Panel, Marine Towing and Transportation Industry.
Captain S. M. SELEDEE, American Institute of Marine Underwriters.
Captain J. G. STILLWAGGON, Interport Pilots' Associates, Inc.
Captain K. C. TORRENS, American Institute of Merchant Shipping.

The summarized agenda for this meeting consists of:

1. Status Report of the Executive Committee given by Captain K. C. TORRENS, Chairman of the Executive Committee.
2. Report from the Vessel Traffic System Staff relating to:
   a. System Description.
   b. Implementation Plan.
3. Comments or questions from the floor.

The New York Harbor Vessel Traffic System Advisory Committee was established by the Commander Third Coast Guard District to advise on the need for, and development, installation and operation of a Vessel Traffic System for the New York Harbor. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing Commander D. A. SUMI, Project Officer, Vessel Traffic System, Third Coast Guard District, Governors Island, New York, New York 10004, or by calling (212) 264-0109.

Dated: September 25, 1975.

W. F. REA III,
Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc.75-27603 Filed 10-14-75;8:45 am]

Urban Mass Transportation Administration

RAIL TRANSIT PROCUREMENT PRACTICES Public Meeting

The Department of Transportation (DOT), Urban Mass Transportation Administration (UMTA) has initiated discussion with the transit industry on the costs of procuring and maintaining rail cars and associated equipment in connection with procurement policies and practices related to: contract general terms and conditions; specification and production of reliable and maintainable rail equipment; and, standardization of equipment specifications.

The views of the public, including fixed guideway transit operators and developers, transit suppliers, consultants and other interested parties are desired to assist UMTA in determining steps to be taken to resolve the issues stated above and to identify and resolve other issues related to the costs of procurement and maintenance or urban rail systems. To this end, a public meeting will be held on Tuesday, October 28, 1975, commencing at 9:00 a.m. (EDT) at the Department of Transportation Headquarters, Nassif Building, 400 7th Street, S.W., Washington, D.C. in Room 2230-32. A panel discussion will be conducted on these topics, following which any interested member of the public may make a statement or

address questions to the meeting moderator. Additionally, written statements or views and opinions may be submitted by November 21, 1975, to the Acting Director, Office of Transit Management, 2100 2nd Street, S.W., Washington, D.C. 20590.

Issued in Washington, D.C., October 10, 1975.

ROBERT E. PATRICELLI,
Urban Mass Transportation Administrator.

[FR Doc.75-27847 Filed 10-14-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28363; Order 75-9-115]

DOMESTIC FARE INCREASES

Order of Investigation and Suspension

Correction

In FR Doc. 75-26722 appearing at page 46150 in the issue for Monday, October 6, 1975, the following correction should be made. On page 46151, in the second column, in the last line of the paragraph numbered "5", the figure reading "2829" should read "28239".

CONSUMER PRODUCT SAFETY COMMISSION

PUBLIC PLAYGROUND EQUIPMENT

Extension of Period for Development of Safety-Related Requirements and Grant of Additional Funds

The purpose of this notice is to announce that the Consumer Product Safety Commission has granted a request by the National Recreation and Park Association (NRPA) for a ninety-day extension of time, from October 13, 1975 to January 12, 1976, for the development of recommended safety-related requirements for Public Playground Equipment, and that the Commission has agreed to provide additional funds in the amount of $3,970.

By notice in the FEDERAL REGISTER of March 7, 1975 (40 FR 10706), the Commission, pursuant to its Congressional Mandate to protect consumers against unreasonable risks of injury associated with consumer products, began a proceeding for the development of safety-related requirements applicable to Public Playground Equipment, that may be used as a proposed regulation under the Federal Hazardous Substances Act (FHSA, 15 U.S.C. 1261 et seq.).

On June 6, 1975, the Commission accepted the offer of the NRPA to develop the requisite safety-related requirements.

On July 21, 1975, the NRPA and the Commission executed a formal agreement setting forth the terms under which the development was to take place and describing the obligations of both parties in the development process. The Commission published a notice in the FEDERAL REGISTER of August 11, 1975 (40 FR 33703), announcing its acceptance of the NRPA offer, summarizing the terms of the formal agreement and confirming a development period of 120 days, beginning June 16, 1975 (the date on which the NRPA was officially notified of its selection as the successful offeror). The development period was to end on October 13, 1975, subject to extension if the Commission were to find, for good cause shown, that an additional period of time were appropriate. The Commission agreed to contribute $87,650 toward the cost of developing the safety-related requirements.

On September 26, 1975 the NRPA requested that the Commission extend the development period until January 12, 1976, citing as its reason the complexity of developing safety-related requirements employing a generic, hazard-oriented approach for such a large variety of consumer products as covered by the term "Public Playground Equipment." The NRPA also indicated that the need to provide for such a large variety of dissimilar items of equipment is resulting in longer time periods for identifying and resolving approaches and issues and in testing of technical rationales. The NRPA has also requested additional funds in the amount of $13,970 to cover anticipated costs for a "standards-writer" and administrative and testing expenses during the extended development period.

A copy of NRPA's request for an extension of the development time and additional funds is available for review in the Office of the Secretary of the Commission.

The Commission has determined that the reasons provided by the NRPA in requesting an extension of time comprise the requisite "good cause" upon which to base a decision to extend the development period.

Accordingly, the Commission hereby extends the period for development of safety-related requirements for Public Playground Equipment by a period of ninety days to January 12, 1976. In addition, the Commission agrees to increase its grant to the NRPA by an amount of $3,970 to cover miscellaneous and administrative expenses related to the development, testing and preparation of the safety-related requirements, declining to grant funds for a "standards-writer." The development period may be further extended for good cause shown by the publication in the FEDERAL REGISTER of a notice to this effect.

Dated: October 9, 1975.

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

[FR Doc.75-27710 Filed 10-14-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

REPORT ON PATENT POLICY

Notice of Hearing

Subsection 9(n), Public Law 93-577 "Federal Nonnuclear Energy Research and Development Act of 1974" provides that:

"Within twelve months after the date of the enactment of this Act, the Administrator with the participation of the Attorney General, the Secretary of Commerce, and other officials as the President may designate, shall submit to the President and the appropriate congressional committees a report concerning the applicability of existing patent policies affecting the programs under this Act, along with his recommendations for amendments or additions to the statutory patent policy, including his recommendations on mandatory licensing, which he deems advisable for carrying out the purposes of this Act.

The Conference Report, Report No. 93-1563 accompanying this legislation amplified the scope and extent of this report by stating:

Subsection 9(n) reflects the conferees' concern for harmonizing the patent policies within ERDA. For example, nuclear programs will continue to follow the patent policy of the Atomic Energy Act while nonnuclear programs will follow the patent policy of section 9. This arrangement is likely to result in some anomalies. Thus, the conferees believed it prudent to include a study of the Federal patent policies affecting ERDA's programs. The conferees believe that section 9 will establish a workable patent policy until the study or experience demonstrates a need for revision.

The study will also investigate the desirability of mandatory licensing. The report resulting from that study should contain empirical data, in addition to opinions and conclusions. It also would be useful for the report to analyze the effect on research and development activity of existing legislative and judicial mandatory licensing provisions.

The study is to be undertaken by the Administrator with participation of other Federal agencies. The purpose of listing the Attorney General and the Secretary of Commerce is to assure that the views of those departments are available to the Congress. If there are differences of opinion between the agencies, the report should reflect the different views with dissenting or individual views where appropriate. The Administrator should also make allowance for input from interested non-Federal parties. One approach might be to hold public hearings from which the Administrator can better assess the public's concerns.

The study will be referred to the appropriate Congressional committees. Several committees have an interest in this area. Although the study will not necessarily lead to changes in our patent laws per se (title 35 of the United States Code), nevertheless, copies of it should be forwarded to both House and Senate Judiciary Committees. The specific responsibility for the ERDA patent policy rests in the committees with legislative jurisdiction over ERDA. These latter committees are expected to give due consideration to any suggestions which the Judiciary Committees may make regarding the report, and the Senate conferees believe that consideration of the report in the Senate should be with the full participation of the Senate Judiciary Committee.

The General Counsel of the Energy Research and Development Administration (ERDA) has been delegated responsibility to arrange and organize an interagency task force to complete this Congressionally mandated task. In accordance with the mission of ERDA as outlined in the "Declaration of Purpose" of the Energy Reorganization Act of 1974, Public Law 93-438, the objective of ERDA patent policy is to provide an incentive function to stimulate commercial industrial development in energy fields as well as protect the public's interest. The task force will focus on how ERDA patent policy is performing this incentive and pro-

tection function, and the desirability of mandatory licensing.

In order to access the public's concerns and make allowance for input from interested non-Federal parties in preparing this study, ERDA will hold public hearings on ERDA patent policy on November 18 and 19, 1975, at Germantown, Maryland.

The purpose of the hearings is to obtain comments from members of the public on such questions as:

(1) What patent policy should ERDA follow in order to carry out the purposes of the Atomic Energy Act and Federal Nonnuclear Energy Research and Development Act of 1974?

(2) What modifications to these statutory enactments should ERDA propose to Congress, and why are such modifications needed?

(3) Is legislation requiring mandatory licensing of energy-related patents needed to carry out the purposes of the Federal Nonnuclear Energy Research and Development Act of 1974? Mandatory licensing can be broadly defined as requiring a patent owner to forego the injunctive remedy provided by Title 35 of U.S. Code against the infringing acts of another. If legislation is required, what should be its essential provisions?

ERDA has published temporary implementing instructions on April 15, 1975 (ERDA-PR Temporary Reg. No. 9) (Appendix A—Modification in part of ERDA-PR Part 9-9, Patents and Copyrights) 40 Fed. Reg. 16848, and corrections thereon 40 Fed Reg. 17573, on April 19, 1975 of the two legislative enactments governing the patent, contracting and waiver policies of ERDA set forth in Section 152 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2182) and in Section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (Public Law 93-577). ERDA will shortly publish revised regulations for ERDA-PR Part 9-9 (41 CFR Part 9-9) and will seek written comments on the regulations.

The intent of the hearings is to provide a forum for members of the public to express their view on the two legislative enactments upon which ERDA patent policy is based, rather than to consider details of proposed ERDA patent and data regulations language. Comments regarding specific ERDA regulation language should be addressed to the Assistant General Counsel for Patents, U.S. Energy Research and Development Administration, Washington, D.C. 20545.

Notice is hereby given by the U.S. Energy Research and Development Administration that a public hearing on the Subsection 9(n) Report on existing ERDA patent policy, including the desirability of mandatory licensing, will be held on November 18 and 19, 1975, at 10:00 a.m. (Local time) in the Auditorium, U.S. Energy Research and Development Administration Building, Md. State Rt. 118, Germantown, Maryland.

All persons or organizations desiring to submit comments or suggestions or participate through written or oral presentations at the hearing are requested to notify Mr. Kenneth L. Cage, Room 92, 8th Floor, Office of the General Counsel, 20 Massachusetts Avenue, U.S. Energy Research and Development Administration, Washington, D.C. 20545, Telephone (202) 37-64254, before the close of business (5:00 p.m.) on November 12, 1975. Those participants wishing to make an oral presentation will be asked to address the interagency task force, and respond to questions which will be limited to those from members of the interagency task force.

Written presentations may be hand carried to Mr. Cage at the above address. Parties participating through written presentation at the hearing are requested to submit copies to Mr. Cage for duplication before the close of business on November 14, 1975.

Parties desiring copies of the patent provisions of the Federal Nonnuclear Energy Research and Development Act of 1974, the "Atomic Energy Act of 1954," as amended, or ERDA regulations should contact Mr. Cage.

Dated at Washington, D.C. this 6th day of October, 1975.

For the Energy Research and Development Administration.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION,
ROBERT C. SEAMANS, Jr.,
Administrator.

[FR Doc.75-27667 Filed 10-14-75;8:45 am]

DEFENSE MANPOWER COMMISSION

NOTICE OF MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on October 31, 1975 at 9:00 a.m. in the New Executive Office Building, Room 2008, 726 Jackson Place, N.W., Washington, D.C. 20036.

The meeting will be open to the public. Because of limited space, interested persons wishing to attend should telephone (202) 254-7803 prior to each meeting.

Dated: October 8, 1975.

BRUCE PALMER, Jr.,
General, USA (Ret),
Executive Director.

[FR Doc.75-27649 Filed 10-14-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 442-5]

ENVIRONMENTAL RADIATION EXPOSURE ADVISORY COMMITTEE

Notice of Meeting

Pursuant to P.L. 92-463, notice is hereby given that a meeting of the Environmental Radiation Exposure Advisory Committee (EREAC) will be held on November 11-12, 1975, from 9:00 a.m. to 4:30 p.m. each day, in Conference Room 3908, Waterside Mall, 401 M Street, S.W., Washington, D.C.

This is the fourteenth meeting of the Committee and will center on discussions of the recommendations of the thirteenth meeting, future Committee activities, and a review and discussion of the Office of Radiation Programs' current critical problem areas.

The meeting will be open to the public. Any member of the public wishing to attend the meeting should contact Claire C. Palmiter, Executive Secretary, EREAC, Office of Radiation Programs, (202) 755-4894.

Dated: October 7, 1975.

EDWARD F. TUERK,
Acting Assistant Administrator
for Air and Waste Management.

[FR Doc.75-27585 Filed 10-14-75;8:45 am]

[FRL 442-2]

NEVADA

Notice of Approval of the Program for Control of Discharges of Pollutants to Navigable Waters

Notice is given hereby that the U.S. Environmental Protection Agency has granted the State of Nevada's request for approval of its program for controlling discharges of pollutants to navigable waters in accordance with the National Pollutant Discharge Elimination System (NPDES), pursuant to section 402(b) of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat. 816, 33 U.S.C. 1251; the Act).

Section 402 of the Act establishes a permitting system, known as the National Pollutant Discharge Elimination System, under which the Administrator of the U.S. Environmental Protection Agency (EPA) may issue permits for the discharge of any pollutant, upon condition that the discharge meets the applicable requirements of the Act. Section 402(b) provides that any State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit such program to the Administrator. If the Administrator determines that the State has adequate authority to carry out the requirements of the Act, he shall approve the submitted program and suspend the issuance of permits as to those navigable waters subject to such program. Guidelines specifying procedural and other elements for State NPDES programs appear at 40 CFR Part 124 (as amended by 38 FR 18000, July 5, 1973, and 38 FR 19894, July 24, 1973).

On June 23, 1975, Nevada submitted a program for carrying out the NPDES. On August 6, 1975, EPA conducted a public hearing on the proposed approval in Carson City, Nevada. After a thorough review of the Nevada program, the accompanying legal certification, and all comments submitted by the public during and following the public hearing, the Administrator determined that the State's authority was adequate to carry out the requirements of the Act, and so informed Governor Michael O'Callaghan in a letter dated September 19, 1975.

As of September 20, 1975, the Nevada NPDES permit program is being administered by the Nevada Department of Human Resources, Bureau of Environmental Health, Capitol Complex, 1209 Johnson Street, Carson City, Nevada 89701 (telephone (702) 885-4670). Mr. Roger S. Trounday is the Director of the Department of Human Resources. The Nevada program is being administered in accordance with Nevada statutes and regulations and a Memorandum of Agreement between Nevada and the EPA Region IX Office, 100 California Street, San Francisco, California 94111 (telephone (415) 556-2320). All pertinent documents are available for inspection at the Nevada State agency and EPA Regional Office at the addresses given above and EPA Headquarters in Room 3201, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

OCTOBER 3, 1975.

[FR Doc.75-27584 Filed 10-14-75;8:45 am]

[FRL 443-3; PP5G1586/T15]

PENWALT CORP.

Notice of Establishment of a Temporary Tolerance

The Penwalt Corp., Agricultural Chemicals Div., Three Parkway, Philadelphia PA 19102, submitted a pesticide petition (PP 5G1586) to the Environmental Protection Agency (EPA). This petition requested that temporary tolerances be established for combined residues of the fungicide thiophanatemethyl (dimethyl[1,2 - phenylene)bis iminocarbonothioyl]bis(carbamate)) and its benzimidazole containing metabolites in or on the following raw agricultural commodities: celery at 3 parts per million (ppm), beans (snap) at 2 ppm, and pecans at 0.2 ppm.

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with a temporary permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

The scientific data reported have been evaluated, and it has been determined that these temporary tolerances are adequate to cover residues resulting from the proposed experimental use, and that such tolerances will protect the public health. The temporary tolerances are, therefore, established for the fungicide on condition that the fungicide be used in accordance with the temporary permit with the following provisions:

1. The total amount of the active fungicide to be used must not exceed the quantity authorized by the temporary permit.

2. The Penwalt Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire October 6, 1976. Residues not in excess of these temporary tolerances remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the fungicide is legally applied during the term and in accordance with the provisions of the temporary permit and temporary tolerances. The temporary tolerances may be revoked if the temporary permit is revoked or if any scientific data or experience with this fungicide indicate such revocation is necessary to protect the public health.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)))

Dated: October 6, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75-27583 Filed 10-14-75;8:45 am]

[FRL 443-4]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (NSPS) AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)

Notice of Delegation of Authority for the State of New York on Behalf of New York State Department of Environmental Conservation

On December 23, 1971 (36 FR 24876) and March 8, 1974 (39 FR 9308), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations codified in 40 CFR Part 60 establishing standards of performance for twelve categories of new stationary sources (NSPS). In addition, on April 6, 1973 (38 FR 8820), pursuant to Section 112 of the Clean Air Act, as amended, the Administrator promulgated in 40 CFR Part 61 national emission standards for three hazards air pollutants (NESHAPS). Sections 111(c) and 112(d) direct the Administrator to delegate authority to implement and enforce the standards to any state which submits an adequate procedure therefor. The Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a state.

On July 27, 1973, the Regional Administrator, Region II, forwarded to the State of New York information setting forth the requirements for an adequate procedure for implementing the NSPS and NESHAPS. On September 26, 1974, James Biggane, then Commissioner of the New York State Department of Environmental Conservation (DEC), submitted a request for delegation of authority to implement and enforce the NSPS and certain aspects of the NE SHAPS program. A February 26, 1975 letter from John Hanna, Jr., then Deputy Commissioner of the DEC, served to amend the terms of New York's original request in certain respects, and to supplement it in others.

Examination of the State's request by the Regional Office revealed statutory inadequacies affecting the DEC's authority to implement the NSPS for fossil fuel-fired steam generators, and to disclose emission data gathered pursuant to both the NSPS and NESHAPS programs. (The problems growing out of these statutory inadequacies were communicated to Mr. Hanna in letters from the Region II Office dated May 15 and June 9, 1975.) The Regional Administrator otherwise found the procedures proposed to be employed by the DEC to be adequate and, by means of a letter to Commissioner Ogden Reid of the DEC dated August 6, 1975, formally delegated to the State of New York (per the New York Department of Environmental Conservation) certain aspects of the existing federal authority to implement and enforce the NSPS and NESHAPS programs.

As a result of the findings of statutory inadequacy discussed above, Section (B) of the Regional Administrator's August 6, 1975 letter of delegation informed Commissioner Reid that federal authority to implement and enforce the performance standard for new fossil fuel-fired steam generators was not being delegated. In addition, paragraph (C) (8) of that letter outlined an interim mechanism for the disclosure of emission data relating to NSPS and NESHAPS sources, employment of which was made a condition of delegation. What follows is the entire text of the Regional Administrator's August 6 letter, which describes fully the delegated aspects of the relevant programs, and articulates the conditions and understandings upon which delegation was based.

Commissioner Ogden R. Reid,
New York State Department of
Environmental Conservation,
50 Wolf Road
Albany, New York 12233

Dear Commissioner Reid:

On September 26, 1974, former Commissioner Biggane of your Department submitted New York State's formal request for delegation of federal authority for the implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS), pursuant to §§ 111(c)(1) and 112(d)(1) of the Clean Air Act, respectively. The February 26, 1975 letter of former Deputy Commissioner Hanna served to amend the terms of the State's request in certain respects, and to supplement it in others. This represents EPA's formal response to the referenced letters, and is further to our earlier letters dealing with this matter dated September 20 and November 12, 1974, and March 26, May 15 and June 9, 1975.

(A) We have reviewed the relevant laws of of the State of New York, and the codes, rules, and regulations of the New York Department of Environmental Conservation ("the Department" or "DEC"), and have determined that they may be employed to provide an adequate procedure for the effective implementation and enforcement of the NSPS and NESHAPS programs by the DEC and the State of New York. Therefore, the Administrator's authority to implement and enforce the following aspects of the NSPS and NESHAPS programs is hereby delegated to New York State per the DEC:

(1) Authority for all sources located in the State of New York subject to the following

Standards of Performance for New Stationary Sources as promulgated in 40 CFR Part 60: incinerators; portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants.

(2) Authority for all sources located in the State of New York subject to the National Emission Standards for Hazardous Air Pollutants promulgated in 40 CFR Part 61, with the exception of the building demolition regulations codified at 40 CFR § 61.22(d). The three hazardous air pollutants covered by the delegation are asbestos, beryllium and mercury.

(B) As our May 15, 1975 letter to former Deputy Commissioner Hanna indicated, this office does not believe that the New York Environmental Conservation Law allows the DEC to condition unilaterally the construction of the fossil fuel-fired steam generators within the regulatory embrace of 40 CFR Part 60 Subpart D, and the Department's request for delegation of federal authority to implement and enforce this standard has therefore been denied. As the Department expressly excepted the regulation of asbestos-insulated building demolition from the scope of its delegation request, the authority conferred by 40 CFR Part 61 Subpart B for the regulation of this activity has not been delegated.

(C) The authority hereby delegated is conditioned as follows:

(1) Semi-annual reports shall be submitted to EPA by the DEC, such reports to include a list of all identified new sources subject to NSPS and sources of hazardous air pollutants subject to NESHAPS located within the State; the status of compliance of such sources; an identification of violators; a report of any legal action initiated by the State against such violators; and performance tests where applicable.

(2) The delegated authority shall be implemented by attaching as conditions to the Department's permits to construct and/or certificates to operate:

(a) All substantive emission limitations associated with the standards hereby delegated; and

(b) All notification, record-keeping, record-retention, reporting and self-monitoring requirements imposed by 40 CFR Parts 60 and 61 which are more stringent than analogous State requirements, provided that the relative stringency of any State requirements that DEC desires to substitute for a federal requirement within the meaning of this paragraph shall be determined by the EPA Region II Office upon written application by the Department.

(3) The Department shall itself conduct, or shall require each subject source to conduct, all of the tests mandated by 40 CFR Parts 60 and 61, at such times and in such manner as are specified in those parts, provided however that the Commissioner shall have the authority of the Administrator, pursuant to 40 CFR §§ 60.8(b)(4) and 61.13, to waive the performance of such tests if, in his judgment, said source is complying with relevant standards, and is able to demonstrate such compliance by means other than performance of the tests which would otherwise be required; provided further that the Commissioner shall provide immediate notice to the EPA Region II Office of his election to waive the performance of any test pursuant to the terms of the foregoing proviso, and shall provide an explanation of the reasons underlying that election.

(4) The Department shall employ the test methods and procedures set out in 40 CFR Part 60 Appendix A and Part 61 Appendix B in determining source compliance with the standards herein delegated, as appropriate for the particular source involved; *except*, that such DEC test methods as have been formally approved by the Administrator as "equivalent" or "alternative" methods, pursuant to 40 CFR §§ 60.8(b) or 61.14(a) (as limited by § 61.14(c)), may be employed by the Department in lieu of the analogous EPA reference method.

(5) Enforcement of the NSPS and NESHAPS for which authority is herewith delegated shall be the primary responsibility of the DEC; *except*, that if the Department determines that such enforcement is not feasible, and so notified the Regional EPA Office, or where the Department acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within New York State subject to the NSPS and NESHAPS.

(6) The Department shall at no time grant a "variance" or "exception" which will have the effect of waiving, deferring, or otherwise altering the compliance obligations of a source subject to the standards promulgated under 40 CFR Parts 60 or 61. Should the Department grant such a variance or exception, EPA will consider the grantee source to be in violation of the applicable federal regulation, and may initiate enforcement proceedings against such source pursuant to Section 113 of the Clean Air Act. The granting of such variances or exceptions by the Department shall also constitute grounds for revocation of delegation by EPA.

(7) Determinations of applicability like those specified in 40 CFR 60.6 and 40 CFR 61.06 shall be consistent with those which have already been made by EPA. Novel determinations shall be concurred upon by EPA.

(8) During the period commencing with receipt of this letter, and terminating with the State's enactment of legislation satisfying the disclosure requirements of Section 110(a)(2) of the Clean Air Act, the Department shall employ the following mechanism in disclosing information concerning sources subject to the NSPS or NESHAPS regulations to interested members of the public:

(a) Whenever a citizen's written request is received by the DEC for information concerning a source subject to the NSPS or NESHAPS programs, once delegated, the following shall be forwarded to the EPA Region II Office by the DEC within ten (10) days of receipt of such request:

(1) A copy of the citizen's request for information;

(2) Copies of all reports and test results previously submitted by the subject source, or prepared by the DEC, in connection with the NSPS or NESHAPS programs, as relevant.

(b) In addition, there shall be forwarded to the EPA Region II Office, within ten (10) days of dispatch to the addressee, a copy of the DEC's response to the citizen's request for information.

(c) Upon receipt of the above, an immediate examination of the material submitted will be initiated by the New York Regional Office of the EPA. If, upon examination of the relevant request, and the Department's response thereto, it is determined by the Regional Office that EPA's responsibilities for providing information to the public require the disclosure of other or additional information, such other or additional information will be thereupon provided by the Regional Office.

(d) The delegation effected herewith is further subject to the following understandings between the Agency and the Department:

(1) It is understood that acceptance of delegation of federal authority to implement and enforce the standards in paragraphs (A)(1) and (2), above, does not commit the State of New York or the DEC to request or to accept delegation of authority to implement and/or enforce such standards as may be promulgated in the future pursuant to Sections 111 or 112 of the Clean Air Act, and that a new request for delegation will be required in connection with any standard or standards to which express reference is not made in paragraphs (A)(1) or (2), above.

(2) It is understood that the State of New York and the Department do not receive hereby delegation of authority to implement or enforce the NSPS and/or NESHAPS against federal facilities located within the State of New York which may be subject to the requirements of the referenced programs.

(3) It is understood that if the Regional Administrator should determine at some future time that a State or Department procedure for enforcing or implementing the NSPS or NESHAPS is inadequate or is not being effectively carried out this delegation may be revoked in whole or in part, and that any such revocation shall be effective as of the date specified in a Notice of Revocation.

(4) It is understood that the State of New York and the Department do not receive hereby delegation of the Administrator's authority pursuant to 40 CFR § 61.11 to grant waivers of compliance to sources subject to the NESHAPS regulations.

(5) It is understood that the Commissioner of the DEC, upon approval of the Regional Administrator of Region II, may subdelegate his authority to implement and enforce those aspects of the NSPS and NESHAPS programs herein delegated to air pollution control authorities within the State of New York once such authorities have demonstrated that they have adequate procedures for implementing and enforcing those aspects of the programs proposed to be subdelegated.

A Notice concerning this delegation will be published in the FEDERAL REGISTER in the near future. This Notice will state, among other things, that, effective immediately, all reports required pursuant to the federal NSPS and NESHAPS by sources located in the State of New York should be submitted to the Department's office at 50 Wolf Road, Albany, New York, Attention: Division of Air Resources. Any such reports which have been or may be received by the Region II Office of EPA will be promptly transmitted to the Department.

Since this delegation is effective immediately, there is no requirement that the State or the Department notify EPA of acceptance. Unless EPA receives written notice of objections within 10 days of the date of receipt of this letter, the State and the Department will be deemed to have accepted all of the terms and conditions associated with this delegation.

Sincerely yours,

GERALD M. HANSLER, P.E.
Regional Administrator.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007.

Effective immediately, copies of all reports required by the NSPS (with the exception of those required in connection with the regulations set at 40 CFR Part 60 Subpart B for fossil-fuel steam generators) and NESHAPS (with the exception of those required in connection with building demolition pursuant to 40 CFR § 61.22) should be submitted to the office of the New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York, attention: Division of Air Resources.

This Notice is issued under the authority of Sections 111 and 112 of the Clean Air Act, as amended (42 U.S.C. § 1857c–6 and 7).

Dated: September 25, 1975, New York, New York.

GERALD M. HANSLER,
Regional Administrator, U.S. Environmental Protection Agency Region II.

[FR Doc.75–27724 Filed 10–14–75;8:45 am]

[OPP—33000/328; FRL 443–8]

NOTICE OF 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 each applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before December 15, 1975 any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after December 15, 1975.

Dated: October 7, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED

EPA Reg. No. 239–2211. Chevron Chem. Co., Ortho Div., 940 Hensley St., Richmond, CA 94804. DIFOLATAN 4 FLOWABLE. Active Ingredients: Captafol 39%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: New Use. PM21

EPA File Symbol 4829–UG. Coastal Chem. Co., Div. of Coastal Industries, Inc., 190 Jony Dr., Carlstadt, NJ 07072. ISO CLOR SUPER CHLORINATING POWDER. Active Ingredients: [Mono(trichloro)tetra(monopotassium dichloro)]penta-s-triazinetrione 56.5%; Sodium Carbonate 34.5%; Alkyl (C14 95%, C12 3%, C16 2%) Dimethyl Ammonium Chlorides 1.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 4829–UU. Coastal Industries, Inc., 190 Jony Dr., Carlstadt, NJ 07072. ISO CLOR SUPER CHLORINATING TABLETS. Active Ingredients: [Mono(trichloro)tetra(monopotassium dichloro)]penta-s-triazinetrione 56.5%; Sodium Carbonate 33.5%; Alkyl (C14 60%, C12 25%, C16 15%) Dimethyl Benzyl Ammonium Chlorides 1.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 35902–R. Henley & Co., Inc., 750 3rd Ave., New York, NY 10017. PLANT PIN. Active Ingredients: 3-Methylsulfonyl-2-butanone O-[(methylamino)carbonyl]oxime 9.75%. Method of Support: Application proceeds under 2(a) of interim policy. PM13

EPA Reg. No. 359–662. Rhodia Inc., Agricultural Div., 23 Belmont Dr., Somerset, NJ 08873. ASULOX. Active Ingredients: Sodium salt of asulam (methyl sulfanilylcarbamate) 37.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA File Symbol 37664–R. Water Pic, Div. of Teledyne Aqua Tec., 1730 Prospect St., Fort Collins, CO 80521. INSTAPURE WATER PURIFIER. Active Ingredients: Elemental Silver 0.4%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

[FR Doc.75–27905 Filed 10–14–75;10:42 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75–1128]

NATIONAL CABLE TELEVISION ASSOCIATION AND AMERICAN TELEPHONE AND TELEGRAPH CO.

Pole Attachment Proceeding

OCTOBER 3, 1975.

On September 29, 1975, the National Cable Television Association and the American Telephone and Telegraph Company entered into an agreement respecting the pole attachment fees charged cable television companies. This agreement was the result of lengthy and intensive negotiations between the parties. During these negotiations, the parties were aided in their efforts by prices derived from a formula devised by the Commission's Staff.

While neither the Commission nor its staff considers this formula to be definitive, it may be useful to other parties who are in the process of negotiating or renegotiating pole attachment agreements. The Commission hereby instructs the staff to release this formula in the hope that it will help the parties to reach agreements among themselves.

In view of the foregoing, we do not contemplate taking further action at this time with respect to the matters contained in Docket 16928—the pole attachment proceeding.

Action by the Commission October 2, 1975. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Washburn and Robinson.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–27653 Filed 10–14–75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 129, Future Civil Aviation Spectrum Requirements. It is to be held 6–7 November 1975, in RTCA Conference Room 261, Matomic Building, 1717 H Street, N.W., Washington, D.C., commencing at 9:30 A.M.

AGENDA

1. Approval of the Minutes of the Fourth Meeting, September 4, 1975.
2. Presentation by ICAO Representative.
3. Chairman's Comments.
4. Reports of Informal Groups.
5. Briefing on Proceedings of FCC Steering Committee.
6. Briefing on FCC Second Notice of Inquiry.
7. Other Business.
8. Date and Place of Next Meeting.

Meetings of Special Committee 129 are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desires additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C., 20006, or telephone Area Code (202) 296–0484.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–27654 Filed 10–14–75;8:45 am]

FEDERAL MARITIME COMMISSION

LAVINO SHIPPING CO., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 28, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notices of agreement filed by:

Francis A. Scanlan, Esquire, Deasey, Scanlan & Bender, Ltd., Suite 2900, Two Girard Plaza, Philadelphia, Pennsylvania 19102.

In the matter of Lavino Shipping Company and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Yamashita-Shinnihon Steamship Co., Ltd.

Agreement No. T-2695-3, between Lavino Shipping Company (Lavino) and Japan Lines, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, (the Lines), modifies the basic agreement between the parties under which Lavino furnishes the Lines comprehensive container stevedoring, terminal, and LCL services at its Packer Avenue Marine Terminal, located in Philadelphia, Pennsylvania. The purpose of the modification is to extend the term of the agreement to October 24, 1976.

By order of the Federal Maritime Commission.

Dated: October 9, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-27674 Filed 10-14-75;8:45 am]

PHILIPPINES NORTH AMERICAN CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 28, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

George A. Quadrino, Esq., Law Offices: Charles F. Warren, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

The Philippines North America Conference has submitted two amendments to its basic conference agreement, (No. 5600).

Agreement No. 5600-33 amends Article 19 to eliminate delays in the present provisions regarding the procedure for the filing and adoption of motions to amend the basic Conference agreement.

Agreement No. 5600-34 amends the agreement By-Laws under the subject "Docket" to insure that members have more time in which to receive and consider matters to be taken up at meetings.

By order of the Federal Maritime Commission.

Dated: October 9, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-27673 Filed 10-14-75;8:45 am]

PORT OF PALM BEACH DISTRICT AND WEST INDIA SHIPPING CO., INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 4, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Dwight Green, Traffic Consultant, Port of Palm Beach, P.O. Box 9935, Riviera Beach, Florida 33404.

Agreement No. T-2499-5, between the Port of Palm Beach District (Port) and West India Shipping Company, Inc. (WISC), modifies the basic agreement which provides for WISC's five-year exclusive use of certain facilities at the Port of Palm Beach, Florida. The purpose of the modification is to extend the term of the original agreement for a period of five years, make a slight change in the rental charges and terminate the use of certain rail trackage for storage of rail cars.

By order of the Federal Maritime Commission.

Dated: October 9, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-27672 Filed 10-14-75;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG) AND NEW YORK FREIGHT BUREAU

Notice of a Petition Filed

Notice is hereby given that the following petitions have been filed with the Commission for approval pursuant to Section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect a copy of the proposed contract forms and of the petitions at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed contract forms and the petitions including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, on or before October 28, 1975. Any person desiring a hearing on the proposed contract systems shall provide a clear and concise

statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the proposed contract forms and the petitions (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of proposed modifications of approved forms of dual rate contracts filed by:

George A. Quadrino, Esq., Law Offices Charles F. Warren, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

The Trans-Pacific Freight Conference (Hong Kong) and the New York Freight Bureau have filed identical modifications to their approved forms of exclusive patronage (dual rate) contracts. These modifications, Agreements Nos. 14 DR–6 and 5700 DR–5, respectively, amend Article 4(b) of each such contract to add the following new paragraph:

Alternatively, where conditions in the trade require such action and in order to meet the demands of the members and of the trade, carriers may suspend the application of the contract, provided that none of the carriers during a period of ninety (90) days after the date when the suspension becomes effective shall quote a rate in excess of Conference contract rates applicable on the effective date of such suspension, and provided further that the contract system shall not thereafter be reinstated on less than ninety (90) days' notice by the carriers through the filing of contract/non-contract rates in their tariff.

By order of the Federal Maritime Commission.

Dated: October 8, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-27675 Filed 10-14-75;8:45 am]

U.S. GULF/JAPAN COTTON POOL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 4, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elkan Turk, Jr., Esq., Burlingham Underwood & Lord, 25 Broadway, New York, New York 10004.

Agreement No. 8682–14, entered into by the member lines of the U.S. Gulf/Japan Cotton Pool, is an application to suspend, for the 1975/1976 season, the requirement under Article 10 to effect a financial settlement resulting from the carriage of cotton.

By order of the Federal Maritime Commission.

Dated: October 9, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-27671 Filed 10-14-75;8:45 am]

[No. 75-39]

THOMAS P. GONZALEZ CORP. v. WESTFAL-LARSEN LINE

Notice of Filing of Complaint

OCTOBER 9, 1975.

Notice is hereby given that a complaint filed by Thomas P. Gonzalez Corporation against Westfal-Larsen Line was served October 9, 1975. The complaint alleges that complainant has been subjected to payment of ocean freight charges which are unjust and unreasonable in violation of section 18(b) of the Shipping Act, 1916.

Hearing in this matter shall commence on or before April 8, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-27676 Filed 10-14-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. E-6893, E-6730]

ALABAMA POWER CO. AND GEORGIA POWER CO.

Time To File Reply to Comments

OCTOBER 6, 1975.

On September 15, 1975, pursuant to Notices of Settlement Offers issued August 12, 1975, in the above named dockets, the Alabama Power Company, the Georgia Power Company, the United States Department of the Interior, and the Staff of the Commission filed comments called for in the respective notices.

In its comments, Alabama Power expressed its expectation of having the right to file a reply to any comments filed by the Staff and other parties. Georgia Power also stated that it should be entitled to respond to any comments filed by Staff and other parties.

Notwithstanding that the Commission's Rules of Practice and Procedure do not provide for replies to comments filed in this instance, it is appropriate and in the public interest that replies be filed by all parties if they choose to do so.

Consequently, any response to the comments filed in the above named dockets, may be filed by parties to this proceeding on or before October 17, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27614 Filed 10-14-75;8:45 am]

[Project No. 620]

ALASKA PACKERS ASSOCIATION

Issuance of Annual License

OCTOBER 3, 1975.

On November 4, 1974, Alaska Packers Association, Licensee for the Chignik Project No. 620, located in the vicinity of Chignik, Third Judicial Division, Alaska, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 620 was issued effective October 5, 1950, for a period ending October 4, 1975. In order to authorize continued operation of the project, pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Alaska Packers Association for continued operation and maintenance of the Chignik Project No. 620.

Take notice that an annual license is issued to Alaska Packers Association (Licensee) for the period October 5, 1975, to October 4, 1976, unless during that period a new license for the project is issued, for the continued operation and maintenance of the Chignik Project No. 620, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27613 Filed 10-14-75;8:45 am]

[Docket No. CI76-183]

CALIFORNIA CO.

Notice of Application

OCTOBER 6, 1975.

Take notice that on September 26, 1975, the California Company, a Division of Chevron Oil Company (Applicant), 1111 Tulane Avenue, New Orleans, Louisiana 70112, filed in Docket No. CI76-183 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of gas in interstate commerce to Natural Gas Pipeline Company of America (Natural) from Block 28, West Cameron Area, offshore Loui-

siana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to sell to Natural gas production attributable to its interest in the 11,400-foot and 14,000-foot sands in Block 28, with an option for reservation of up to 20 percent for its own or affiliate's use after 5 years. The estimated monthly sales are 300,000 Mcf at 15.025 psia. The contract of September 2, 1975, between Applicant and Natural provides for an initial rate of $1.44 per Mcf, but Applicant states that it is willing to accept a certificate conditioned to the rate set forth in Section 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a).

Any person desiring to be heard or to make any protest with reference to said application should on or before October 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27615 Filed 10-14-75;8:45 am]

[Docket Nos. RP75-86 and RP72-122 (PGA 76-1)]

COLORADO INTERSTATE GAS CO.

Revised Changes in Rates

OCTOBER 6, 1975.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on September 26, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, pursuant to ordering paragraph (F) of the Commission's order issued April 30, 1975, in Docket No. RP75-86.

The purpose of the filing is to comply with the directive stated in the Commission's order of April 30, 1975, to reflect the elimination from Docket No. RP75-86 of facilities, along with the related cost of service, which have not been certificated and placed in service by October 1, 1975. As a result of this filing, the jurisdictional cost of service in Docket No. RP75-86 will be reduced approximately $434,000.

Replacement Thirteenth Revised Sheet Nos. 5 and 6 are proposed to be substituted for and to replace Thirteenth Revised Sheet Nos. 5 and 6 as filed with the Commission on March 31, 1975, in Docket No. RP75-86 and suspended by the Commission until October 1, 1975, in its order issued April 30, 1975. Replacement Substitute Thirteenth Revised Sheet Nos. 5 and 6, Replacement Alternate Substitute Thirteenth Revised Sheet Nos. 5 and 6, and Replacement Fourteenth Revised Sheet Nos. 5 and 6 are proposed to be substituted for and to replace Substitute Thirteenth Revised Sheet Nos. 5 and 6, Alternate Substitute Thirteenth Revised Sheet Nos. 5 and 6, and Fourteenth Revised Sheet Nos. 5 and 6 as filed with the Commission on August 15, 1975, in Docket No. RP72-122 (PGA 76-1). CIG requested that the replacement tariff sheets be made effective on the dates previously requested in Docket Nos. RP75-86 and RP72-122 (PGA 76-1).

Copies of this filing have been served upon the Company's jurisdictional customers and upon interested public bodies.

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 the 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 20, 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.75-27618 Filed 10-14-75;8:45 am]

[Docket No. CP76-66]

COLUMBIA GULF TRANSMISSION CO., ET AL.

Notice of Application

OCTOBER 6, 1975.

Take notice that on August 27, 1975, Columbia Gulf Transmission Company (Gulf), P.O. Box 683, Houston, Texas 77001, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas, jointly Applicants, filed in Docket No. CP76-66 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange and transportation of natural gas to enable Transco to receive into its system gas from production offshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of the application is to enable Transco to receive for an interim period into its existing onshore system certain oil-well gas that it would purchase from production of Shell Oil Company (Shell) in South Marsh Island Block 130, offshore Louisiana, during which time Transco would construct its own facilities to receive the reserves. Shell would gather up to 14,706 Mcf at 15,025 psia of gas per day at an existing Shell platform in South Marsh Island Block 58. There the gas would be sold by Shell to Transco Gas Supply Company (Gasco) and resold by Gasco to Transco. At the Block 58 point the gas would be delivered into the offshore system of Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) for the account of Columbia and would be in exchange for equivalent volumes of gas that Columbia would deliver to Gulf at an existing platform of Gulf and others in Eugene Island Block 250. Gulf would transport the equivalent volumes through its existing Eugene Island facilities and the Blue Water Project to the terminus at Egan, Louisiana, and would deliver or cause to be delivered to Transco equivalent volumes at one or more existing onshore delivery points:

(1) In the Humphreys-Orange Grove Area, Terrebonne Parish, Louisiana,

(2) at the Henry Plant of Texaco, Inc., Vermilion Parish, Louisiana,

(3) at the Acadia Plant of Continental Oil Company, Acadia Parish, Louisiana, and

(4) at the Egan Terminus of the Blue Water Project.

Michigan Wisconsin is said to be transporting gas to shore for Columbia under an agreement of February 26, 1969, from a point connecting the pipelines of Michigan Wisconsin and Gulf in Eugene Island Block 250. A second point of delivery of gas to Michigan Wisconsin's would be established on Shell's platform in South Marsh Island Block 58. Gulf could deliver up to 15,000 Mcf of gas per day to the proposed delivery point, for the account of Columbia as part of Columbia's contract demand quantity under the prior transportation agreement but the total contract demand that Michigan Wisconsin would transport under said agreement would be unchanged at 65,000 Mcf of gas per day.

The proposed Columbia-Transco exchange would be effected by Columbia's designating a gas volume in Eugene Island Block 250, which would otherwise be delivered under the February 26, 1969, agreement, as gas exchanged for gas delivered by Transco to Michigan Wisconsin for Columbia's account at the Block 58 exchange point. Such designated volume would be transported and delivered onshore to Transco by Gulf.

The proposed exchange would be rendered through existing facilities on a

gas for gas basis. Transco would pay Gulf a transportation charge of 5.0 cents per Mcf of gas transported and delivered to Transco onshore. The application states that in negotiating for this rate the parties considered that Gulf is presently transporting gas through its 20-inch pipeline between Block 250 and the Blue Water Project and through the Blue Water Project to Egan under its FPC Gas Tariff, Volume 2, Rate Schedules X-12 and X-13 for Texas Gas Transmission Corporation and that said rate schedules provide for an overrun charge of 5.0 cents per Mcf. Further the application states, the parties considered that the proposed exchange is for a limited duration and for a relatively small volume of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.75-27616 Filed 10-14-75;8:45 am]

[Docket No. CP76-102]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application

OCTOBER 6, 1975.

Take notice that on September 24, 1975, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP76-102 an application pursuant to Section 7(c) of the Natural Gas Act, as implemented by Section 157.7(b) of the Regulations thereunder (18 CFR 157.7 (b)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1976, and operation of certain natural gas purchase facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas purchased by Columbia Transmission Corporation which may become available from various producing areas generally coextensive with Applicant's pipeline system or other pipelines authorized to transport gas for or exchange gas with Columbia Gas Transmission Corporation.

The total cost of the proposed facilities would not exceed $7,000,000, and the cost of a single onshore project would not exceed $1,500,000, and the total cost of an offshore project would not exceed $2,500,000, which costs Applicant states would be financed from current working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27617 Filed 10-14-75;8:45 am]

[Docket No. E-8952]

CONNECTICUT LIGHT AND POWER CO.

Order Granting Untimely Petition To Intervene

OCTOBER 7, 1975.

On August 2, 1974, The Connecticut Light and Power Company (CL&P), tendered for filing a proposed rate increase for electric service to seven customers[1] which provides for an estimated increase of $1,084,000 for the period ending December 31, 1974. Public notice of CL&P's filing was issued on August 9, 1974, with comments, protests, and petitions to intervene due on or before August 23, 1974.

On September 19, 1975, the Yale Steel Corporation (Yale) filed out-of-time a petition to intervene in the above-captioned proceeding. Yale states that only recently did it become aware of the full impact the CL&P rate filing would have on its operations, and this is why it did not seek timely intervention in this proceeding.

In support of its petition, Yale states that it is a new company formed to construct and operate a steel mill in Wallingford, Connecticut, with operations scheduled to commence at the end of 1975. Yale's sole source of electric power will be the Town of Wallingford which is supplied by CL&P. Yale states that since Wallingford proposes to pass on the rate increase to its customers, Yale will be directly affected in this proceeding.

Having reviewed the subject petition, we believe that Yale's participation in this proceeding may be in the public interest. Accordingly, such petition shall be granted.

The Commission finds:

Participation in this proceeding of Yale Steel Corporation may be in the public interest.

The Commission orders:

(A) Yale Steel Corporation is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27636 Filed 10-14-75;8:45 am]

[1] See order issued August 30, 1974, in this docket for listing of customers affected by the August 2, 1974, filing.

[Docket No. RP76-20]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Denying Request for Reconsideration

OCTOBER 6, 1975.

By contract dated February 19, 1971, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) entered into an advance payment agreement (the Agreement) with McCulloch Oil Corporation (McCulloch), pursuant to which McCulloch committed to Michigan Wisconsin all of its share of gas which may be produced from the Fin Creek Unit Area, North Slope, Alaska, in consideration of Michigan Wisconsin's commitment to make advance payments to McCulloch equal to 25% of the actual costs of the initial test well. Michigan Wisconsin made advance payments to McCulloch under the Agreement in the aggregate amount of $2,163,755.

On January 31, 1974, the Commission issued Opinion 685 [1] which approved inclusion of $450,000 of the McCulloch advance in Michigan Wisconsin's rate base, subject to conditions similar to those which were applied to Alaskan advances made by Columbia Gas Transmission Corporation (Columbia) [2] and El Paso Natural Gas Company (El Paso).[3] The Commission found that since the condition applied to the Alaskan advances made by Columbia and El Paso were similar to those set forth in Order 499,[4] it would be appropriate to make Michigan Wisconsin's McCulloch advance subject to the provisions of Order 499. Opinion 685 so provided. Although Michigan Wisconsin applied for rehearing of Opinion 685 on March 1, 1974, insofar as it related to Michigan Wisconsin's Canadian advances, Michigan Wisconsin's application did not challenge the Commission's treatment of the McCulloch advances.

By letter dated November 11, 1974, Michigan Wisconsin alleged that the well had become nonproductive and that the advances were therefore nonrecoverable. In view of this fact, Michigan Wisconsin requested the Commission to approve the transfer of the nonrecoverable McCulloch advance from Account 166 to Account 186 and to then amortize the nonrecoverable advance to Account 813 over a 5 year period.

By letter order dated January 20, 1975,[5] the Commission denied Michigan Wisconsin's requested accounting treatment and indicated that the nonrecoverable advance should be transferred from Account 166 to Account 435 or Account 426.5, as appropriate. The Commission referred to the Commission's Opinion No. 685, 51 FPC 391 (1974), wherein Michigan Wisconsin was permitted to include in rate base $450,000 in advance payments to McCulloch, and noted that such permission was granted "subject to the provisions set forth in Commission Order No. 499, issued December 28, 1973, in Docket No. RP74-4". The Commission stated further that Order No. 499

> * * * permits amortization of nonrecoverable advances *only* when the advances are subject to a full repayment guarantee by the producer and the producer is unable to repay the advance in gas or other economic consideration.
>
> The agreement governing the Alaskan advances to McCulloch does not provide for guaranteed repayment and in fact specifically limits recovery of the advance to Michigan Wisconsin's share of net profits, or in the event no hydrocarbons are produced, saved and sold from the unit area, to McCulloch's share of any net salvage value. In view of the contractual limitations on recovery of the advance, the special relief provisions of paragraph H of Account 166 in Order No. 499 are not applicable.

On May 5, 1975, Michigan Wisconsin filed a letter requesting reconsideration of the Commission's January 20, 1975, letter order. The company argues that at the time it entered into the Agreement, the orders governing advance payments were Order No. 410, 44 FPC 1142 (1970), issued on October 2, 1970, and Order No. 410-A, 45 FPC 135 (1971) issued January 8, 1971, respectively, in Docket No. R-380. Michigan Wisconsin notes that (1) under the provisions of Order Nos. 410 and 410-A, Michigan Wisconsin would be permitted to amortize the nonrecoverable McCulloch advance to Account 813 and (2) those orders do not exclude Alaskan advances from their purview and thus, it is argued, the McCulloch advance should be governed by Order Nos. 410 and 410-A. Michigan Wisconsin further argues that Opinion 685 allowed rate base treatment for the McCulloch advance but that that decision "is not dispositive" of the issue presented here. The company states that they were not "aggrieved" by Opinion 685 and that that order granted them what they wanted, i.e. rate base treatment of the McCulloch advance, and that the advance should therefore be governed by Order Nos. 410 and 410-A. To do otherwise, it is argued, would be to retroactively apply more severe standards which were not in effect during the time the Agreement was executed, citing *Columbia Gas Transmission Corporation*, Opinion No. 722, issued March 7, 1975, in Docket Nos. RP71-18, *et al.*

Michigan Wisconsin's arguments are not persuasive. The Commission found it appropriate in Opinion No. 685, 51 FPC at 392 to attach to the McCulloch advance conditions similar to those attached to Alaskan advances made by Columbia Gas Transmission Corporation [6] and El Paso Natural Gas Company.[7] The Commission, after noting that the conditions to the El Paso and Columbia advances were similar to those indicated in Order No. 499, then proceeded to make the McCulloch advance subject to the provisions of Order No. 499 51 FPC at 392, and at 393 (Finding Paragraph 3 and Ordering Paragraph B). In its application for rehearing of Opinion No. 685, Michigan Wisconsin did not challenge the Commission's treatment of the McCulloch advance. And, as set forth in the Commission's January 20, 1975, order, under the provisions of Order No. 499, Michigan Wisconsin is not permitted to amortize the nonrecoverable McCulloch advance to Account 813 over a 5 year period. Accordingly, we find nothing in Michigan Wisconsin's May 5, 1975, request which warrants modification of our January 20, 1975, letter order and shall therefore deny Michigan Wisconsin's May 5, 1975, request for reconsideration of our January 20, 1975, letter order.

The Commission finds:

Michigan Wisconsin's May 5, 1975, request for a reconsideration of our January 20, 1975, letter order presents no facts or principles of law which warrant modification of that order.

The Commission orders:

(A) Michigan Wisconsin's May 5, 1975, request for reconsideration of our January 20, 1975, letter order attached as Appendix A [8] hereto is denied.

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

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27620 Filed 10-14-75;8:45 am]

[Project Nos. 2360, 2363]

MINNESOTA POWER & LIGHT CO. AND THE NORTHWEST PAPER CO.

Order Providing for Pre-Hearing Conference and Denying Motions

OCTOBER 6, 1975.

On December 11, 1964 the Commission issued Orders Issuing License (Major) and Denying Request for Disclaimer of Jurisdiction for Minnesota Power & Light Company's St. Louis River Project No. 2360 and Northwest Paper Company's Cloquet Project No. 2363.[1]

The St. Louis River Project No. 2360 consists of four power developments on the St. Louis River (Knife Falls, Scanlon, Thomson and Fond du Lac) having a total installed capacity of 83,350 kilowatts, and five storage reservoirs (Whiteface, Boulder, Rice, Island, and Fish Lakes) having a total storage capacity of 33,870 acre-feet. The storage reservoirs are located on upstream tributaries of the St. Louis River.

The Cloquet Project No. 2363 is located on the St. Louis River immediately downstream from the aforementioned Knife

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[1] *Michigan Wisconsin Pipe Line Company*, 51 FPC 391 (1974), rehearing denied ... FPC ... issued March 29, 1974, in Docket No. RP 71-112, appeal docketed, *sub nom. Michigan Wisconsin Pipe Line Company* v. *F.P.C.* (CADC, Case No. 74-1450).

[2] Opinion 674, 50 FPC 1514 (1973).

[3] Opinion 673, 50 FPC 1530 (1973), amended Opinion 673-A, 51 FPC 36 (1974).

[4] 50 FPC 2120 (1973).

[5] See Appendix A.

[6] *Columbia Gas Transmission Corporation*, Opinion No. 674, 50 FPC 1514 (1973).

[7] *El Paso Natural Gas Company*, Opinion No. 673, 50 FPC 1530 (1973); amended Opinion No. 673-A, 51 FPC 36 (1974).

[8] Appendix A filed as part of the original document.

[1] Minnesota Power & Light Co., Project No. 2360, 32 F.P.C. 1407 (1964); The Northwest Paper Co., Project No. 2363, 32 F.P.C. 1413 (1964).

Falls development of Project No. 2360. The Cloquet Project No. 2363 consists of a dam and a powerhouse having a total installed capacity of about 5480 kilowatts.

Northwest Paper Company and Minnesota Power & Light Company (MP&L) filed applications for rehearing of the December 11, 1964, Orders Issuing License on January 8 and 11, 1965, respectively. These applications alleged error with respect to the Commission's finding of navigability, assertion of jurisdiction, the effective and termination dates of the licenses, annual charges, and certain license conditions. On February 5, 1965, the applications were granted by the Commission's Order Granting Rehearing and Providing for Hearing. This order consolidated the proceedings for Project Nos. 2360 and 2363 and provided that the date for hearing was to be fixed at a later date.

On December 31, 1973, The Northwest Paper Company merged with its parent corporate entity, Potlatch Corporation (Potlatch), and on March 7, 1975, Potlatch filed a revised Exhibit A in the application for Project No. 2363 to reflect this change in the applicant's status. Potlatch assumes the same posture with respect to the Project No. 2363 proceedings as did its predecessor, The Northwest Paper Company.

MP&L on May 10, 1974, and Potlatch on June 4, 1974, filed motions for modification of the orders issuing licenses. Both motions indicated the willingness of the respective companies to accept licenses based on the interstate commerce standard of the *Taum Sauk* decision, *FPC v. Union Electric Co.*, 381 U.S. 90 (1965), with appropriate changes in license dating, instead of licenses based on navigability.

By this Order we set a pre-hearing conference on the issues raised by MP&L and Northwest Paper Company in their applications for rehearing. Public notice of the conference shall be given. At the conference, the Presiding Administrative Law Judge shall consider the admission into evidence of relevant but uncontroverted facts. If a statement of facts can be agreed upon by the parties, the Administrative Law Judge shall then require briefs and submit his initial decision, consistent with Sections 1.29 and 1.30 of the Commission's Rules of Practice and Procedure, 18 C.F.R. §§ 1.29–.30 (1975). If there is disagreement upon the issues of fact relating to the issues raised on rehearing, the Presiding Judge shall fix a public hearing on those issues. Upon conclusion of the hearing, the Presiding Judge shall require briefs and submit his decision in accordance with Sections 1.29 and 1.30 of the Commission's Rules of Practice and Procedure.

One of the issues to be explored in this proceeding will be the basis for the Commission's jurisdiction over Project Nos. 2360 and 2363. Accordingly, it is appropriate at this time that the motions of MP&L and Potlatch that licenses be issued based on *Taum Sauk* jurisdiction be denied, without prejudice to their being raised at a later date.

The Commission finds:

(1) Potlatch Corporation is a duly certified corporation organized and doing business in the State of Minnesota.

(2) It is appropriate and in the public interest to deny the motions of Minnesota Power & Light Company and Potlatch Corporation for modification of the Commission Orders Issuing License, without prejudice to their being raised at a later date.

(3) It is appropriate and in the public interest to hold a pre-hearing conference as hereinafter provided on the issues raised by Minnesota Power & Light Company and The Northwest Paper Company, predecessor of Potlatch Corporation, in their applications for rehearing.

The Commission orders:

(A) Potlatch Corporation shall be substituted for The Northwest Paper Company as applicant for the Cloquet Project No. 2363.

(B) The motions of Minnesota Power & Light Company and Potlatch Corporation for modification of the Commission Orders Issuing License are denied, without prejudice to their being raised at a later date.

(C) The following procedure is prescribed for this proceeding:

1. A pre-hearing conference before an Administrative Law Judge shall be held at 10:00 a.m. on November 18, 1975, in a hearing room of the Federal Power Commission, 825 North Capitol Street, Washington, D.C. respecting the issues raised by Minnesota Power & Light Company and The Northwest Paper Company, predecessor of Potlatch Corporation, in their applications for rehearing.

2. If the Presiding Administrative Law Judge finds no disagreement on material facts bearing on the issues raised on rehearing, he shall provide a briefing schedule to be followed by an initial decision in accordance with Sections 1.29 and 1.30 of the Commission's Rules of Practice and Procedure.

3. If the Presiding Administrative Law Judge finds that there is disagreement on facts bearing on the issues raised on rehearing, he shall schedule a public hearing on those issues to be followed by briefing and an initial decision in accordance with Sections 1.29 and 1.30 of the Commission's Rules of Practice and Procedure.

(D) The Commission's Rules of Practice and Procedure shall apply in this proceeding except to the extent they are modified or supplemented herein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27621 Filed 10-14-75;8:45 am]

[Project No. 346]

MINNESOTA POWER AND LIGHT CO.

Issuance of Annual License

OCTOBER 6, 1975.

On August 13, 1970, Minnesota Power and Light Company, Licensee for Blanchard Project No. 346, located on the Mississippi River below Pike Rapids in Morrison County, Minnesota, filed an application for a new license under Section 15 of the Federal Power Act and Commission regulations thereunder (Sections 16.1–16.6).

The license for Project No. 346 was issued effective August 25, 1923, for a period ending August 24, 1973. In order to authorize the continued operation of the project pursuant to Section 15 of the Act pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Minnesota Power and Light Company for continued operation and maintenance of Blanchard Project No. 346.

Take notice that an annual license has been issued to Minnesota Power and Light Company (Licensee) under Section 15 of the Federal Power Act for the period August 25, 1975, to August 24, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Blanchard Project No. 346, subject to the terms and conditions of its license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27622 Filed 10-14-75;8:45 am]

[Project No. 469]

MINNESOTA POWER & LIGHT CO.

Issuance of Annual License

OCTOBER 6, 1975.

On October 9, 1970, Minnesota Power & Light Company, Licensee for Project No. 469, located on the Kawishiwi River in Lake and St. Louis Counties, near the village of Winton, Minnesota, filed an application for a new license under Section 15 of the Federal Power Act and Commission Regulations thereunder (Sections 16.1–16.6).

The license for Winton Hydro-Electric Project No. 469 was issued effective September 5, 1924, for a period ending October 26, 1973. Since the original data of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to Section 15 of the Act, pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Minnesota Power & Light Company for continued operation and maintenance of Project No. 469.

Take notice that an annual license is issued to Minnesota Power & Light Company (Licensee) under Section 15 of the Federal Power Act for the period October 27, 1975, to October 26, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Winton Hydro-Electric Project No. 469 subject to the terms and conditions of its present license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27623 Filed 10-14-75;8:45 am]

[Docket No. ER76-144]

ORANGE AND ROCKLAND UTILITIES, INC.

Rate Schedule Termination

OCTOBER 6, 1975.

Take notice that on September 22, 1975, Orange and Rockland Utilities, Inc. (Orange & Rockland) notified the Commission of its intention to terminate its Rate Schedule F.P.C. No. 32, pursuant to which it has previously rendered service to Consolidated Edison Company of New York, Inc. (Con Ed). Orange & Rockland proposes that said termination become effective as of October 24, 1975, and avers that such termination date is in accordance with the terms of the subject rate schedule.

Orange & Rockland states that it has mailed to Con Ed a copy of the proposed Notice of Termination together with a copy of the transmittal letter.

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 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 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.75-27624 Filed 10-14-75;8:45 am]

[Project No. 233]

PACIFIC GAS AND ELECTRIC CO.

Issuance of Annual License

OCTOBER 6, 1975.

On October 28, 1970, Pacific Gas and Electric Company, Licensee for Pit No. 3, 4, and 5 Project No. 233, located on Pit River in Shasta County, California, filed an application for a new license under Section 15 of the Federal Power Act and Commission Regulations thereunder (Section 16.1–16.6).

The license for Project No. 233 was issued effective October 23, 1923, for a period ending October 22, 1973. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pursuant to Section 15 of the Act, pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Company for continued operation and maintenance of Project No. 233.

Take notice that an annual license is issued to Pacific Gas and Electric Company (Licensee) under Section 15 of the Federal Power Act for the period October 23, 1975, to October 22, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Pit No. 3, 4, and 5 Project No. 233 subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27625 Filed 10-14-75;8:45 am]

[Docket No. E-8928]

PACIFIC GAS AND ELECTRIC CO.

Order Granting Untimely Petition To Intervene

OCTOBER 7, 1975.

On July 24, 1974, Pacific Gas and Electric Company (PG&E) tendered for filing proposed changes in its FPC Electric Tariff, Original Volume Nos. 1 and 2.

Notice of PG&E's filing was issued on August 6, 1974, with comments, protests or petitions to intervene due on or before August 13, 1974. An untimely petition to intervene was filed by California-Pacific Utilities Company.

Having reviewed said petition, we believe that California-Pacific Utilities Company has a sufficient interest in this proceeding to warrant its intervention herein, provided such intervention is conditioned as hereinafter ordered.

The Commission finds:

It is desirable and in the public interest to permit the intervention in this proceeding of California-Pacific Utilities Company, provided that such intervention is limited as hereinafter ordered and conditioned.

The Commission orders:

(A) California-Pacific Utilities Company is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27637 Filed 10-14-75;8:45 am]

[Project No. 309]

PENNSYLVANIA ELECTRIC CO.

Issuance of Annual License

OCTOBER 6, 1975.

On March 2, 1970, Pennsylvania Electric Company, Licensee for Piney Project No. 309, located on the Clarion River, Clarion County, Pennsylvania, filed an application for a new license under Section 15 of the Federal Power Act and Commission Regulations thereunder (Sections 16.1–16.6).

The License for Project No. 309 was issued effective October 13, 1922, for a period ending October 12, 1972. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to Section 15 of the Act, pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Pennsylvania Electric Company for continued operation and maintenance of Project No. 309.

Take notice that an annual license is issued to Pennsylvania Electric Company (Licensee) under Section 15 of the Federal Power Act for the period October 13, 1975, to October 12, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Piney Development Project No. 309, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27626 Filed 10-14-75;8:45 am]

[Docket No. ID-1580]

ROBERT WILLIAM SCHERER

Supplemental Application

OCTOBER 6, 1975.

Take notice that on July 28, 1975, Robert William Scherer (Applicant), filed a supplemental application with the Federal Power Commission. Pursuant to Section 305(B) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Director and Senior Vice President; Georgia Power Company; Public Utility.
Director; Southern Electric Generating Company; Public Utility.

Any person desiring to be heard or to make any protest with reference to such application should, on or before October 17, 1975, file with the Federal Power Commission, 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. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27627 Filed 10-14-75;8:45 am]

[Project No. 719]

JESSIE I. SMITH

Issuance of Annual License

OCTOBER 6, 1975.

On June 30, 1972, Jessie I. Smith, Licensee for Trinity Power Project No. 719, located in Wenatchee National Forest, Chelan County, on the James and Phelps Creeks, tributaries of the Chiwawa River in Washington, filed an application for a new license under Section 15 of the Federal Power Act and Commission Regulations thereunder (Sections 16.1–16.6).

The License for Project No. 719 was issued effective November 1, 1952, for a period ending October 31, 1972. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to Section 15 of the Act, pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Jessie I. Smith for continued operation and maintenance of Project No. 719.

Take notice that an annual license is issued to Jessie I. Smith (Licensee) under Section 15 of the Federal Power Act for the period November 1, 1975, to October 31, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 719, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27619 Filed 10-14-75;8:45 am]

[Docket No. CP76-96]

STINGRAY PIPELINE CO.

Notice of Application

OCTOBER 6, 1975.

Take notice that on September 22, 1975, Stingray Pipeline Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP76-96 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 42.7 miles of pipeline, compressor and related facilities for the transportation of natural gas to be produced from West Cameron Blocks 616 and 630, offshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct approximately 28.1 miles of 42-inch O.D. pipeline from a valve manifold platform to be constructed in West Cameron Block 148 to Applicant's existing Holly Beach Compressor Station, in Cameron Parish, Louisiana, approximately 14.6 miles of 30-inch O.D. pipeline from West Cameron Block 616 to Applicant's existing system in West Cameron Block 564, two 3,400 horsepower compressor units at Applicant's compressor station in West Cameron Block 509, and related miscellaneous piping and facilities, at an estimated cost of approximately $67,530,000.

The proposed facilities are said to be able to transport all of the gas to be produced from West Cameron Blocks 616 and 630. The facilities would increase Applicant's system capacity from 1 million Mcf to 1.16 million Mcf per day. Natural Gas Pipeline Company of America (Natural) and Trunkline Gas Company (Trunkline) are each said to have the right to purchase 25 percent of Exxon Corporation's gas to be developed in Blocks 616 and 630, and when the proposed facilities are completed each would have a transportation quantity of 480,000 Mcf per day. The application states that United Gas Pipe Line Company's transportation quantity would remain unchanged at 200,000 Mcf per day. The deliveries of gas from Blocks 616 and 630 are said to be necessary for Natural and Trunkline to hold offset curtailments in their systems.

Applicant alleges that with the proposed facilities the annual system cost of service would be $51,779,200, the annual transportation quantity would be 13,920,000 Mcf and the transportation rate per Mcf transported would be $3.72.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27628 Filed 10-14-75;8:45 am]

[Docket No. RI75-6]

SUN OIL CO.

Order Approving Settlement Proposal and Granting Special Relief

OCTOBER 6, 1975.

On July 2, 1974, Sun Oil Company (Sun) filed a petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations [1] from the applicable area rate ceiling set in Opinion No. 586.[2] Sun requested a rate increase from 13.5 cents per Mcf, 14.65 psia to 35.0 cents per Mcf, 14.65 psia, with an annual 1 cent per Mcf escalation for sales of natural gas produced from eight wells in the Bradshaw Field, Hamilton County, Kansas, to Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), under Sun's FPC Gas Rate Schedule No. 419.[3] The petition contained a contract amendment between Sun and Kansas-Nebraska authorizing the proposed increase.

Notice of Sun's petition was issued July 22, 1974, and published in the Federal Register on July 29, 1974 (39 FR 27513). No protests or petitions to intervene were filed. By order issued February 28, 1975, this matter was set for formal hearing.

Seven of the eight wells involved in this proceeding are operated and partly owned by Ladd Petroleum Company (Ladd), formerly LVO Corporation. Ladd's interest in these wells was the subject of a prior proceeding for special relief (*LVO Corporation*, Docket No. C174-19, settlement agreement approved April 22, 1974) which involved a program to upgrade a saltwater disposal system for the wells, necessitated by an increase in saltwater production and a decrease in bottomhole pressure. Originally, Sun's proffered support for its petition with regard to these seven wells was based almost entirely on the evidence and conclusion of the LVO proceeding. Sun's eighth well, known as Kincheloe B, was not involved in the prior proceeding. In its petition for reconsideration, Sun alleged that production from this well has fallen to the extent that its expenses far exceed the revenues derived from it and that it will have to be abandoned unless relief is granted.

On March 27, 1975, Sun petitioned for reconsideration of the Commission's order of February 28, 1975, setting this matter for hearing. This petition was

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[1] *Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices*, Order No. 481, Docket No. R-458, 49 FPC 902 (issued April 12, 1973), as amended, 18 C.F.R. § 2.76.

[2] *Opinion And Order Determining Just And Reasonable Rates For Natural Gas Produced In The Hugoton-Anadarko Area*, Docket No. AR64-1, et al., 44 FPC 761, issued September 18, 1970.

[3] The rate sought by Sun Oil Company does not reflect any increase in tax liability resulting from repeal of the percentage depletion allowance by the Tax Reducation Act of 1975.

denied by order of April 21, 1975, which held, in essence, that Sun's reliance on the LVO case was not adequate, in itself, to support Sun's petition for special relief.

In the course of this proceeding, the Commission's Staff requested and received of Sun various cost and reserve data relating to its petition and on April 16 through 21, 1975, conducted a detailed audit of Sun's books at Sun's offices in Tulsa, Oklahoma, to corroborate and clarify the data submitted. Subsequently, a settlement conference was held between members of the Commission's staff and a representative of Sun. On August 11, 1975, Sun filed a settlement proposal pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure (18 CFR 1.18) wherein it offered to accept a settlement rate of 19.5 cents per Mcf, 14.65 psia, for its gas from the above described seven wells operated by Ladd and 35 cents per Mcf, 14.65 psia, for its gas from the well known as Kincheloe B. This proposal was noticed by the Commission August 21, 1975 (40 FR 40211, September 2, 1975).

On September 4, 1975, the staff filed comment pursuant to the settlement proposal notice stating that as a result of careful analysis of the facts underlying Sun's petition for special relief it had concluded that the proposed settlement rates were justified. Appended to staff's comments was a detailed unit cost of gas calculation relating to the seven wells operated by Ladd. No other comments were received.

Based on our consideration of the petition, additional data submitted by Sun, and Staff's study and analysis we conclude that the settlement rates proposed herein are justified.

The Commission orders:

(A) The Settlement Proposal submitted to the Commission on August 11, 1975, in Docket No. RI75-6 is hereby approved.

(B) Sun is allowed to collect 19.5 cents per Mcf at 14.65 psia for its interest in sales of natural gas to Kansas-Nebraska from the Stanley Unit No. 1921, Eddy Unit No. 3211, Jerry Webb Unit No. 2531, Eaton Unit No. 2230, Unit No. 2431, Unit No. 2631 and Unit No. 2930, in Hamilton County, Kansas, and 35 cents per Mcf at 14.65 psia for its interest in sales of natural gas to Kansas-Nebraska from the Kincheloe "B" unit in Hamilton County, Kansas.

(C) Within thirty days of the date of issuance of this order, Sun shall file its contract amendment with Kansas-Nebraska to Sun's FPC Gas Rate Schedule No. 419 authorizing the rate increase provided for herein and shall file notice of change in rate to 19.5 cents and 35 cents per Mcf as set forth in paragraph (B) above for the subject sales in accordance with Part 154 of the Commission's Regulations.

(D) Upon notification by the Secretary of the Commission that the terms and conditions of this order have been complied with, the rates specified in paragraph (B) will become effective as of the date of issuance of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27629 Filed 10-14-75;8:45 am]

[Docket No. CP76-109]

TENNESSEE GAS PIPELINE CO., AND COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

OCTOBER 6, 1975.

Take notice that on September 29, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, jointly Applicants, filed in Docket No. CP76-109 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for UGI Corporation-Gas Utilities Division (UGI) to East Tennessee Natural Gas Company (East Tennessee) for storage,[1] all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants state that UGI has requested that gas be delivered to East Tennessee for liquefaction and storage in the period prior to October 31, 1975. Deliveries for the account of UGI would be made in volumes up to 23,000 Mcf per day and up to 450,000 Mcf in the period.

The proposed transportation service would be rendered by Applicants when UGI would reduce its receipts from Columbia's Millway Delivery Point in Lancaster County, Pennsylvania; and, at the same time, Columbia would make equivalent deliveries to Tennessee for the account of UGI by reducing volumes receipts of gas that would be available to Columbia from Tennessee at Tennessee's Unionville Meter Station in Beaver County, Pennsylvania, or at other mutually agreeable points. Tennessee would transport and deliver equivalent volumes to East Tennessee for the account of UGI at Tennessee's Lobelville Sales Meter Station and/or Greenbriar Sales Meter Station, in Perry and Robertson Counties, Tennessee, respectively. It is stated that East Tennessee would transport, liquefy or have liquefied and store such gas for UGI for redelivery in the 1975-1976 winter period by methods arranged between UGI and East Tennessee.

Tennessee proposes to charge UGI 17.93 cents per Mcf of gas transported and delivered to East Tennessee for the account of UGI, which rate is said to reflect Tennessee's system average haul per 100 miles of 3.014397 cents per Mcf applied to the distance from the Unionville Sales Meter Station to the Lobelville Sales Meter Station of approximately 594.95 miles. Columbia would pay Tennessee Tennessee's then-effective commodity rate, applicable at the point where Columbia makes gas available to Tennessee, for all volumes received by Tennessee from Columbia for the account of UGI.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27630 Filed 10-14-75;8:45 am]

[1] Proposed in Docket No. CP76-99.

[Docket No. CP76-67]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

OCTOBER 6, 1975.

Take notice that on August 27, 1975, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP76-67 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of gas for the account of Algonquin Gas Transmission Company (Algonquin), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to deliver through April 15, 1975, 1,200,000,000 Btu of gas per day to Pottsville Gas Company (Pottsville) 4,500,000,000 Btu of gas per day to Philadelphia Electric Company (Philadelphia), 600,000,000 Btu of gas per day to Transcontinental Gas Pipe Line Corporation (Transco) for further delivery to Union Gas Company (Union), and 4,505,000,000 of gas per day to Transco for further delivery to South Jersey Gas Company (South Jersey), all for the account of Algonquin, and to decrease deliveries to Algonquin during the same period. Algonquin is stated to have sold to Pottsville, Philadelphia, Union, and South Jersey synthetic gas in the aforementioned quantities under Rate Schedule SNG-1 and has requested that Applicant deliver equivalent volumes to the subscribing customers. This Applicant proposes to do be displacement, by reducing the volumes of gas delivered to Algonquin by the amount of gas delivered directly to the customers or to Transco. Pottsville, Philadelphia and Algonquin are customers of Applicant and Union and South Jersey are customers of Transco with whom Applicant has several exchange points. The deliveries and reductions would be made at existing delivery points by means of existing facilities, the application states.

Applicant states that it has been curtailing deliveries to its customers and expects curtailments to continue. Further, Applicant notes that Transco has forcast curtailments to its customers during the coming winter. The application states that delivery of SNG to the companies proposed to be served under the authorization requested herein is needed by them to help them meet their requirements during the coming winter.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.75-27631 Filed 10-14-75;8:45 am]

[Docket No. RP75-74]

TRANSWESTERN PIPELINE CO.

Filing of Substitute Tariff Sheets

OCTOBER 6, 1975.

Take notice that on September 30, 1975, the Transwestern Pipeline Company (Transwestern) tendered for filing, pursuant to Section 4(e) of the Natural Gas Act and Ordering Paragraphs (A) and (E) of the Commission's order issued April 30, 1975 in this proceeding, Second Revised Volume No. 1 to its FPC Gas Tariff and the following tariff sheets:

First Revised Sheet No. 5.
First Revised Sheet No. 6.
Substitute Original Sheet No. 66.
Substitute Original Sheet No. 77.
Substitute Original Sheet No. 78.
Substitute Original Sheet No. 79.

Transwestern requests that Second Revised Volume No. 1, as modified by First Revised Sheet Nos. 5 and 6 and Substitute Original Sheet Nos. 66, 77, 78 and 79 be placed into effect on October 1, 1975. In the event that the Commission suspends for one day the effectiveness of Transwestern's PGA filing proposed to be effective October 1, 1975 in Docket No. RP74-52, then Transwestern moves, alternatively, that Second Revised Volume No. 1, as modified by Substitute Original Sheet Nos. 5, 6, 66, 77, 78 and 79 be placed into effect on October 1, 1975, and requests an effective date of October 2, 1975 for First Revised Sheet Nos. 5 and 6. As a second alternative, Transwestern moves that Second Revised Volume No. 1, as originally tendered for filing on March 14, 1975, or as modified by any of the Revised or Substitute Original Tariff Sheets, attached hereto, deemed appropriate by the Commission, be placed into effect on October 1, 1975.

Transwestern claims that its latest filing herein proposes a revised Research and Development Adjustment Clause that conforms completely to the requirements specified by the Commission in its April 30, 1975 order, corrects a typographical oversight contained in its original filing of March 14, 1975, and restates subsequent PGA tracking increases so as to reflect the conversion to a dekatherm billing base and to reflect the Docket No. RP75-74 base cost of gas.

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 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27632 Filed 10-14-75;8:45 am]

[Docket No. CP75-143]

TRUNKLINE GAS CO.

Petition To Amend

OCTOBER 6, 1975.

Take notice that on September 2, 1975, Trunkline Gas Company (Petitioner), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP75-143 a petition to amend the order of the Commission of January 28, 1975, issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act to include authorization to exchange natural gas with Natural Gas Pipeline Company of America (Natural) at a point in Cameron Parish, Louisiana, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Applicant states that by the order of January 28, 1975, it is authorized to exchange gas with Natural in Montgomery County, Texas, and at two processing plants located in Vermilion Parish, Louisiana, and Brazoria County, Texas. In the instant amendment it is proposed that Petitioner be authorized to receive gas from Natural at an existing interconnection in Cameron Parish, Louisiana, for redelivery at other authorized exchange points. The measuring facilities would be operated by Natural at the proposed exchange point.

Accounting for deliveries at the proposed exchange point would be made by assigning the first volumes delivered to a transportation agreement between Petitioner and Natural under which gas is presently being delivered at said point, and all other volumes would be assigned to the exchange authorized in the instant docket. The transportation agreement is said to have been certificated by the Commission by its order of May 6, 1974.

Petitioner states that there would be no additional cost to it for the facilities at the proposed exchange point and no additional facilities are proposed in the instant petition.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 21, 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.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.75-27633 Filed 10-18-75;8:45 am]

[Project No. 596]

UTAH POWER & LIGHT CO.

Issuance of Annual License

OCTOBER 6, 1975.

On April 7, 1975, Utah Power & Light Company, Licensee for Olmsted Project No. 596, located on the Provo River and Lost Creek, Utah County, Utah, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 596 was issued effective October 21, 1925, for a period ending October 20, 1975. In order to authorize continued operation of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Utah Power & Light Company for continued operation and maintenance of Olmsted Project No. 596.

Take notice that an annual license is issued to Utah Power & Light Company (Licensee) for the period October 21, 1975, to October 20, 1976, unless during that period a new license for the project is issued, for the continued operation and maintenance of the Olmsted Project No. 596, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27634 Filed 10-14-75;8:45 am]

[Project No. 587]

WASHINGTON WATER POWER CO.

Issuance of Annual License

OCTOBER 6, 1975.

Washington Water Power Company is the Licensee for Transmission Line Project No. 587 located in Lincoln, Grant, Douglas, Chelan and Okanogan Counties, Washington, under the Federal Power Act and Commission Regulations thereunder. By letter dated May 26, 1975, Licensee was advised that the portion of the transmission line extending from Stratford to the Chelan hydroelectric plant (FPC Project No. 637) is a primary line and subject to relicense.

The license for Project No. 587 was issued effective August 26, 1925, for a period ending August 25, 1975. In order to authorize continued operation of the project, pending the filing of an application for license by Licensee for that portion of the line subject to license and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Washington Water Power Company for continued operation and maintenance of Project No. 587.

Take notice that an annual license has been issued to Washington Water Power Company (Licensee) for the period August 26, 1975, to August 25, 1976, unless during that period a new license for the project is issued, for the continued operation and maintenance of Project No. 587, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27635 Filed 10-14-75;8:45 am]

[Docket No. RP71-131]

ALGONQUIN GAS TRANSMISSION COMPANY

Availability of Draft Environmental Impact Statement

Notice is hereby given in the above Docket, that on October 10, 1975, a Draft Environmental Impact Statement prepared by the staff of the Federal Power Commission was made available. This draft statement deals with the environmental impact of alternative permanent curtailment plans proposed in Docket No. RP71-131 across the Algonquin Gas Transmission Company system.

This draft statement has been circulated to Federal, State and local agencies, and has been placed in the public files of the Commission, and is available for public inspection both in the Commission Office of Public Information, Room 1000, 825 North Capitol Street N.E., Washington, D.C. 20426 and in its Regional Office located at 26 Federal Plaza, 22nd Floor, New York, New York 10007. Copies are also available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27782 Filed 10-14-75;10:42 am]

GENERAL SERVICES ADMINISTRATION

JOINT FEDERAL, STATE, AND LOCAL GOVERNMENT ADVISORY PANEL ON PROCUREMENT AND SUPPLY

Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, October 6, 1972, notice is hereby given of the October 30-31, 1975, meeting of the Joint Federal, State, and Local Government Advisory Panel on Procurement and Supply. The meeting will convene at 9:00 a.m. each day in Room 1129, Crystal Mall Building 4, 1941 Jefferson Davis Highway, Arlington, Virginia.

The Panel provides a forum for discussion between all levels of government on problems and policies pertaining to procurement and supply to the end that all resources, experience, and expertise may be fully utilized.

The agenda will include discussions on: (1) Status of excess property legislation, (2) Model Procurement Code Project, (3) GSA Personal Property Rehabilitation Program, (4) Value incentive clause in contracts, (5) NIGP training and certification program, and (6) NASPO Information System.

This meeting is open to the public (within limitations of conference room facilities). Anyone who wishes to attend or desires further information should contact Mr. John F. Reutemann, Office of Customer Service and Support, FSS (telephone, 703-557-1823).

Dated at Washington, D.C., October 10, 1975.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.75-27859 Filed 10-14-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-TA-20]

CERTAIN BISMUTH MOLYBDATE CATALYSTS

Notice of Investigation

A complaint was filed with the United States International Trade Commission on May 30, 1975, and a revised complaint was filed with the Commission on July 3, 1975, on behalf of the Standard Oil Company of Ohio (Sohio), Midland Building, Cleveland, Ohio 44115, alleging that the unlicensed importation of certain bismuth molybdate catalysts into the United States, and their sale, are unfair methods of competition and unfair acts within the meaning of section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), by reason of the coverage of such bismuth molybdate catalysts by claims in U.S. Letters Patents 2,941,007 or 3,642,930. The complainants further allege that the effect or tendency of the unfair methods of competition and unfair acts is to substantially injure an industry, efficiently and economically operated, in the United States. Complainant has requests that the imports in question be temporarily and permanently excluded from entry into the United States.

Having considered the above complaint, as revised, the United States International Trade Commission, on September 22, 1975, Ordered:

1. That pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), an investigation be instituted to determine whether there is any violation of this section in the unlicensed importation into the United States, or in their sale, of certain bismuth molybdate catalysts allegedly covered by claims in U.S. Letters Patents 2,941,007 or 3,642,930, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

2. That for the purposes of the investigation so instituted, (a) Rohm and Haas Company, Independence Mall West,

Philadelphia, Pennsylvania 19105 and (b) Nippon Shokubai Kagaku Kogyo Co., Ltd., 5–1, Koraibashi Higashi-Ku, Osaka, Japan, both of which are alleged to be importing and/or selling the subject product, are hereby named as respondents upon which the complaint, as revised, is to be served.

3. That for purposes of the investigation so instituted, Richard W. Rappaport, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, is hereby named as Commission investigative attorney.

4. That all interested persons will be afforded the opportunity to respond to the complaint, in accordance with the following procedures:

(a) Each respondent named herein shall serve a response to the complaint upon complainant and the Commission investigative attorney no later than 30 days after service of this notice and complaint has been effected.

(b) Any further submission or reply of complainant shall be served by him upon all respondents and the Commission investigative attorney no later than November 25, 1975.

(c) A signed original and nineteen (19) true copies of each response, further submission, or reply shall be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, within the respective time periods specified in subparagraphs (a) and (b) above.

5. That extensions of time for filing responses or submissions will not be granted unless good and sufficient cause is shown therefor.

6. That failure of respondent to file a response to each of the allegations which are the subject of this investigation as set forth in the notice, taking into consideration the applicable detailed allegations in the complaint, as revised, within the time provided, may be deemed to constitute a waiver of its rights to appear and contest such allegations and shall authorize the Commission, without further notice to that respondent, to find the facts to be as alleged and to enter an order containing such findings.

The complaint, as revised, is available for inspection by interested persons at the Office of the Secretary, United States International Trade Commission Building, Washington, D.C., and in the New York City office of the Commission, 6 World Trade Center.

By order of the Commission.

Issued: October 9, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-27719 Filed 10-14-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-80)]

DRAWINGS AVAILABLE FOR PROTOTYPE FIREFIGHTERS BREATHING SYSTEM

Final Program Review To Be Conducted; Notice of Meeting

A prototype breathing system for firefighters has been developed at the Johnson Space Center in Houston as an Engineering Applications Project under the Technology Utilization Program. Microfiche drawings of this system are available from:

NASA Scientific and Technical Facility, Code TI, Post Office Box 8756, Baltimore/Washington International Airport, MD 21240.

In addition, Firefighters Breathing System Final Program Review will be conducted at the Johnson Space Center on November 13, 1975, to answer questions about the breathing apparatus design and to explore possible commercial applications of all or part of the new system.

For further information about the symposium, please call Mr. W. B. Wood at 713/483-3771.

CLARE F. FARLEY,
Acting Deputy Assistant Administrator for Technology Utilization.

[FR Doc.75-27590 Filed 10-14-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS PROCEDURES SUBCOMMITTEE

Notice of Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Procedures Subcommittee will hold a meeting at 1:00 p.m. on November 5, 1975 in Room 1010, 1717 H Street, NW., Washington, D.C. 20555. This meeting will be closed to the public.

The Subcommittee will meet in closed Executive Session to discuss proposed changes to Committee policy and practices regarding the preparation of ACRS reports to the Nuclear Regulatory Commission. Individual members will exchange and discuss their personal opinions and recommendations regarding a proposed change in these procedures leading to a final recommendation by the Subcommittee to the ACRS.

I have determined in accordance with Subsection 10(d) of Public Law 92-463 that it is necessary to hold this meeting in closed session, as noted, to protect the free exchange of opinion during the Committee's deliberative process. Separation of factual information from the individual advice, opinion, or recommendations of ACRS members is not considered practical.

Dated: October 9, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-27658 Filed 10-14-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE JAMESPORT NUCLEAR POWER STATION, UNITS 1 AND 2

Notice of Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Jamesport Nuclear Power Station, Units 1 and 2, will hold a meeting on October 30, 1975 at the Dutch Inn Motor Hotel, 3845 Veterans Memorial Highway, Ronkonkoma, L.I., N.Y. 11779. The purpose of this meeting is to develop information to be considered by the ACRS in its review of the application of Long Island Lighting Company (LILCO) for a construction permit for the Jamesport Station.

The agenda for the subject meeting shall be as follows:

Thursday, October 30, 1975, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent review of safety reports, regarding matters which should be considered during the open session in order to formulate a Subcommittee report and recommendations to the full Committee.

9 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations and hold discussions with the NRC Staff and representatives of LILCO regarding design features and site-related aspects of the application for a construction permit as well as other matters relating to review of the Safety Analysis Report.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During this session, Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee will meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and the Applicant matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary or plant security information (5 U.S.C. 552(b)(4)), Separation of factual material from individuals' advice, opinions and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing 15 copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than October 23, 1975 to Mr. R. Muller, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555 and at the Riverhead Free Library, 330 Court St., Riverhead, N.Y. 11901.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on October 29, 1975 to the Office of the Executive Director of the Committee (telephone 202/634–1413, Attn: Mr. R. Muller) between 8:15 a.m. and 5 p.m., e.s.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, other than plant security information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. R. Muller of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after November 6, 1975 at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555, and at the Riverhead Free Library, 330 Court St., Riverhead, N.Y. 11901. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555 after January 30, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: October 14, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75–27959 Filed 10–14–75;11:22 am]

[Docket No. 50–317]

BALTIMORE GAS AND ELECTRIC CO.

Notice of 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–53, issued to Baltimore Gas and Electric Company (the licensee), which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant Unit 1 (the facility) located in Calvert County, Maryland. The amendment was effective as of September 26, 1975.

The amendment modifies the Technical Specifications for the facility to permit removal of one of the safety injection system valves from service for a period of up to six hours for repair with the plant shut down and the primary coolant temperatures below 300° F.

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 26, 1975, (2) Amendment No. 9 to License No. DPR–53, with Change No. 8, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Calvert County Library, Prince Frederick, Maryland 20678. A single 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 6th day of October, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75–27597 Filed 10–14–75;8:45 am]

[Docket No. 50–293]

BOSTON EDISON 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 Licenses No. DPR–35, issued to Boston Edison Company (the licensee), which revised technical specifications for operation of the Pilgrim Nuclear Power Station (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

The amendment incorporates additional suppression pool water temperature limits: (1) During any testing which adds heat to the pool, (2) at which reactor scram is to be initiated and (3) requiring reactor pressure vessel depressurization. It also adds surveillance requirements for visual examination of the suppression chamber during each refueling and following operations in which the pool temperatures exceed 160° F and adds monitoring requirements of water temperatures during operations which add heat to the pool.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on July 23, 1975 (40 FR 30880). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated March 31, 1975, (2) Amendment No. 12 to License No. DPR–35, with Change No. 14 and (3) the Commission's related Safety Evaluation issued July 15, 1975. 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 Plymouth Library, North Street, Plymouth, Massachusetts 02360.

A single 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 6th day of October, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-27659 Filed 10-14-75;8:45 am]

[Docket Nos. 50-237; 50-249]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 11 and 8 to Facility Operating License Nos. DPR-19 and DPR-25, respectively, issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of the Dresden Nuclear Power Station Units 2 and 3 (the facilities), located in Grundy County, Illinois. The amendments are effective as of their date of issuance.

The amendments incorporate additional suppression pool water temperature limits: (1) During any testing which adds heat to the pool, (2) at which reactor scram is to be initiated and (3) requiring reactor pressure vessel depressurization. They also add surveillance requirements for visual examination of the suppression chamber during each refueling and following operations in which the pool temperatures exceed 160° F and add monitoring requirements of water temperatures during operations which add heat to the pool.

The application for the amendments 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 amendments. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the FEDERAL REGISTER on July 23, 1975 (40 FR 30880). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendments dated April 11, 1975, (2) Amendment No. 11 to License No. DPR-19, with Change No. 36, (3) Amendment No. 8 to License No. DPR-25, with Change No. 25, and (4) the Commission's related Safety Evaluation issued on July 15, 1975. 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 Morris Public Library, 604 Library Street, Morris, Illinois 60451.

A single copy of items (2) and (4) 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 6th day of October, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-27660 Filed 10-14-75;8:45 am]

[Docket Nos. 50-254; 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 19 and 15 to Facility Operating License Nos. DPR-29 and DPR-30, issued to the Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company), which revised Technical Specifications for operation of the Quad Cities Station Units 1 and 2 (the facilities) located in Rock Island County, Illinois. The amendments are effective as of their date of issuance.

These amendments incorporate additional suppression pool water temperature limits: (1) During any testing which adds heat to the pool, (2) at which reactor scram is to be initiated and (3) requiring reactor pressure vessel depressurization. They also add surveillance requirements for visual examination of the suppression chamber during each refueling and following operations in which the pool temperatures exceed 160°F and add monitoring requirements of water temperatures during operations which add heat to the pool.

The application for the amendments 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 amendments. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the FEDERAL REGISTER on July 23, 1975 (40 FR 30881). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated April 11, 1975, (2) Amendment Nos. 19 and 15 to License Nos. DPR-29 and DPR-30, respectively, with Change No. 29 and (3) the Commission's related Safety Evaluation issued on July 15, 1975. 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 Moline Public Library, 504 17th Street, Moline, Illinois 60625.

A single 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 6th day of October, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-27661 Filed 10-14-75;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation (the licensees) which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant Unit 1 (the facility), located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to decrease the minimum required residual heat removal service water (RHRSW) system developed pump head from 960 feet to 938 feet at the required delivery rate of 4000 gallons per minute (gpm).

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 April 10, 1975, with supplement submitted August 25, 1975, (2) Amendment No. 17 to License No. DPR-57, with Change No. 17 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2) and (3) may be obtained upon request addressed to the

U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 6th day of October, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-27662 Filed 10-14-75;8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-16 issued to Jersey Central Power & Light Company (the licensee), for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey.

The amendment would modify the provisions in the Technical Specifications relating to temperature limits for the pressure suppression pool water.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject provisional operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to George F. Trowbridge, Esq., Shaw, Pittman, Potts, Trowbridge & Madden, 910 17th Street, NW., Washington, D.C. 20016, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the letter from K. Goller to I. R. Finfrock, Jr. dated July 16, 1975 and the letter from I. R. Finfrock, Jr. dated August 8, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey 08753. The proposed license amendment and the Safety Evaluation, may be inspected at the above locations and a copy 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 6th day of October, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-27663 Filed 10-14-75;8:45 am]

[Docket Nos. STN 50-561; STN 50-517]

LONG ISLAND LIGHTING CO.

Notice of Availability of Safety Evaluation Report for the Jamesport Nuclear Power Station, Units 1 and 2

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Jamesport Nuclear Power Station, Units 1 and 2 to be located in the Towns of Riverhead and Southold, Suffolk County, New York. Notice of receipt of Long Island Lighting Company's application to construct and operate the Jamesport Nuclear Power Station, Units 1 and 2, was published in the FEDERAL REGISTER on September 13, 1974 (39 FR 33022).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Riverhead Free Library, 330 Court Street, Riverhead, New York 11901 for inspection and copying. The report (Document No. NUREG-75/095) can also be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 8th day of October 1975.

For the Nuclear Regulatory Commission.

IRVING A. PELTIER,
Acting Chief Light Water Reactors Project Branch No. 2-1, Division of Reactor Licensing.

[FR Doc.75-27598 Filed 10-14-75;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Notice of 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-46 issued to Nebraska Public Power District (the licensee) which revised Technical Specifications for operation of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

The amendment incorporates additional suppression pool water temperature limits: (1) During any testing which adds heat to the pool, (2) at which reactor scram is to be initiated and (3) requiring reactor pressure vessel depressurization. It also adds surveillance requirements for visual examination of the suppression chamber during each refueling and following operations in which the pool temperatures exceed 160° F and adds monitoring requirements of water temperatures during operations which add heat to the pool.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on July 23, 1975 (40 FR 30883). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the applications for amendment dated April 2, 1975 and August 28, 1975, (2) Amendment No. 12 to License No. DPR-46, with Change No. 15, and (3) the Commission's related Safety Evaluation issued on July 15, 1975. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Auburn Public Library, 1118 15th Street, Auburn, Nebraska 68305.

A single 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 6th day of October, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-27599 Filed 10-14-75;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-63 issued to Niagara Mohawk Power Corporation which revised Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit 1, located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications relating to the reactor water level instrumentation, the low-low-low water level setpoints, description of the access penetrations in reactor building railroad bay, changes in position titles in the station operating organization, and to correct typographical errors.

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 January 21 and February 27, 1975, and supplement dated March 19, 1975, (2) Amendment No. 1 to License No. DPR-63, with Change No. 1, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oswego City Library, 120 E. Second Street, Oswego, New York 13126.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 1st day of October 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-27600 Filed 10-14-75;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-63 issued to Niagara Mohawk Power Corporation which revised Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit 1, located in Oswego County, New York.

The amendment modifies the provisions in the Technical Specifications relating to temperature limits for the pressure suppression pool water.

The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on August 25, 1975 (40 FR 37109). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the letter from Karl Goller to G. Rhode dated June 13, 1975, (2) letter from G. Rhode to Karl Goller dated July 2, 1975, (3) Amendment No. 2 to License No. DPR-63, with Change No. 2, and (4) the Commission's related Safety Evaluation dated August 15, 1975. 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 Oswego City Library, 120 E. Second Street, Oswego, New York.

A copy of items (1), (3) and (4) 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 6th day of October, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-27664 Filed 10-14-75;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Provisional Operating License No. DPR-22, issued to Northern States Power Company (the licensee), which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment incorporates additional suppression pool water temperature limits: (1) During any testing which adds heat to the pool, (2) at which reactor scram is to be initiated and (3) requiring reactor pressure vessel depressurization. It also adds surveillance requirements for visual examination of the suppression chamber during each refueling and following operations in which the pool temperatures exceed 160° F and adds monitoring requirements of water temperatures during operations which add heat to the pool.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on July 23, 1975 (40 FR 30884). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated March 24, 1975, (2) Amendment No. 13 to License No. DPR-22, with Change No. 21 and (3) the Commission's related Safety Evaluation issued on July 15, 1975. 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 Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

A single 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 6th day of October, 1975.

For the nuclear regulatory commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2 Division of Reactor Licensing.

[FR Doc.75-27665 Filed 10-14-75;8:45 am]

[Docket No. 50-301]

WISCONSIN ELECRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company, which revised Technical Specifications for operation of the Point Beach Nuclear Plant Unit No. 2, located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to permit operation of Point Beach Nuclear Plant Unit No. 2 core Cycle 2 to a cumulative fuel residence time of 24,000 Effective Full Power Hours.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on August 29, 1975 (40 FR 39445). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated July 15, 1975, (2) Amendment No. 13 to License No. DPR-27, with Change No. 19, 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 Document Department, University of Wisconsin—Stevens Point Library, Stevens Point, Wisconsin 54481.

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 6th day of October 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-27666 Filed 10-14-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 9, 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

NATIONAL SCIENCE FOUNDATION

Factors affecting ability of universities to conduct research, single-time, department heads in universities, George Hall, 395-6140.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Asparagus growers' questionnaire, single-time, asparagus growers, Evinger, S. K., 395-3710.

DEPARTMENT OF AGRICULTURE

Extension service: Minnesota's food service industry study, single-time, food service operations, Harry B. Sheftel.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: National RMP Arthritis Initiative, BHPRD 0919, single-time, arthritis grantee recipients, Human Resources Division, Dick Eisinger, 395-3532.

Food and Drug Administration: Evaluation of a Nutrition Education Model, FDABF 0925, single-time, low and middle education groups, Human Resources Division, Sunderhauf, M. B., 395-3532.

Health Resources Administration: Pretest of the Examination and Subsequent phases of the Health and Nutrition Examination Survey, Hanes II, NCHS 0929, single-time, volunteers 6 months to 74 years of age, Atlanta, Ga., Dick Eisenger, 395-6140.

Food and Drug Administration: Registration of Blood and Blood Product Establishment, FD 2830, annually, blood and blood product establishments, Harry B. Sheftel.

Health Resources Administration: Applied Statistics Training Institute Application, HRA-69, on occasion, statisticians and other health professionals, Caywood, D. P., 395-3443.

Office of Education: National Advisory Committee on the Handicapped Survey of Selected Needs, OE-445, single-time, individuals dealing with handicapped people, Lowry, R. L., 395-3772.

REVISIONS

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

1975 Vacation and Bicentennial, USA-3, semiannually, individuals, Strasser, A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Application for Federal Assistance (Nonconstruction program) for Bilingual Education—Instructions and Supplementary Questionnaire, OE 4561, annually, LEA's, SEA's, and IHE's, Lowry, R. L., 395-3772.

Center for Disease Controls: Supervisory Effects on Worker Safety in Roofing Industry, NIOSH 0718, single-time, persons in roofing industry, Ellett, C. A., 395-5867.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Administration (Office of Assistant Secretary), interstate land sales statement of facts, on occasion, business firms, Community and Veterans Affairs Division, 395-3532.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration: Tabulation of Bids (Received by REA Borrowers, etc.), REA-278, on occasion, architects of REA borrowers, Marsha Traynham, 395-4529.

Food and Nutrition Service:

Application for Donated Commodities (Nonprofit Private Schools), FNS-127, on occasion, school food authority (commodity only schools), Marsha Traynham, 395-4529).

Agreement—Nonprofit Lunch Program (Commodity Only Schools), FNS-129, on occasion, school food authority (commodity only schools), Marsha Traynham, 395-4529.

Statistical Reporting Service: Agricultural Labor Survey—Hawaii, monthly, farmers, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-27634 Filed 10-14-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1190]

MARYLAND

Declaration of Disaster Area

As a result of the President's declaration I find that the City of Baltimore, the counties of Anne Arundel, Baltimore, Carroll, Cecil, Charles, Frederick, Howard, Montgomery, Prince Georges, Washington, and adjacent counties within the State of Maryland, constitute a disaster area because of damage resulting from severe storms, heavy rains, and flooding beginning about September 22, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on December 4, 1975, and for economic injury until the close of business on July 5, 1976, at:

SMALL BUSINESS ADMINISTRATION—DISTRICT OFFICES

7800 York Road, Towson, Maryland 21204.
1030 15th Street NW., Suite 250, Washington, D.C. 20416.

Or other locally announced locations.

Dated: October 8, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-27595 Filed 10-14-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

FEDERAL COMMITTEE ON APPRENTICESHIP

Notice of Meeting

Pursuant to section 10(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, notice is hereby given that the Federal Committee on Apprenticeship will conduct an open meeting on Thursday, October 30, from 9:00 a.m.-4:30 p.m.; Friday, October 31, from 9:00 a.m.-12 noon in Room S-4215 (Fourth Floor), New Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

The agenda for the meeting on the 30th will include:

1. Report of Subcommittee on Equal Apprenticeship Opportunity.

2. FCA Reviews First Year—Followup on FCA Recommendations made to the Department of Labor.

3. Report of Subcommittee on Goals of the FCA (including "Study of Operations of Federal Apprenticeship Programs"—Sol Swerdloff).

The agenda for the meeting on October 31 will include Reports of FCA Subcommittees: Federal-State Relations; Dept. of Defense; AGC Proposal.

Members of the public are invited to attend the proceedings. Any member of the public who wishes to file written data, views or arguments pertaining to the agenda may do so by furnishing it to the Executive Secretary before October 24, 1975. Thirty duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

Any member of the public who wishes to speak at this meeting should so indicate in such a written statement, also the nature of intended presentation and amount of time needed. The Chairman will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the Executive Secretary should be addressed as follows:

Mrs. M. M. Winters, Bureau of Apprenticeship and Training, MA, U.S. Dept. of Labor, 601 D St., NW. (Rm. 5434), Washington, D.C. 20213.

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

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

[FR Doc.75-27718 Filed 10-14-75;8:45 am]

MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKERS PROGRAMS

Funding Requests Received by Department of Labor

Notice is hereby given that the following applicants have submitted funding requests pursuant to 29 CFR 97.214 to the Department of Labor to request funds under the Migrant and Other Seasonally Employed Farmworkers Programs. Any eligible applicant which has submitted a pre-application prior to August 1, 1975, pursuant to 29 CFR 97.211(b) and a funding request pursuant to 29 CFR 97.214 not listed below should notify the Department of Labor at the address provided in 29 CFR 97.214(a) immediately.

ALABAMA

Alabama Migrant and Seasonal, Farmworkers Council, Inc., 404 East South Boulevard, Montgomery, Alabama 36105.

ARIZONA

Arizona Job Colleges, Inc., 1665 N. Pinal Avenue, Casa Grande, Arizona 85222.
Migrant Opportunities, Inc., 6611 South Central Avenue, Phoenix, Arizona 85040.

ARKANSAS

Arkansas Council for Farmworkers, Inc., 1200 Westpark Drive, Little Rock, Arkansas 72204.

CALIFORNIA

Fresno City-County Manpower Commission, 1725 Fulton Street, Fresno, California 93721.
Orange County Manpower Commission, 433 Civic Center Drive West, Santa Ana, California 92701.
Opportunities Industrialization Center, Central Coast Counties, 425 South Market Street, San Jose, California 96113.
Sacramento Consilio, Inc., 1912 F Street, Sacramento, California 95814.
Proteus Adult Training, Inc., P.O. Box 727, 1640 W. Mineral King, Suite 204, Visalia, California 93277.
Employment Development Migrant Services, 800 Capitol Mall, Sacramento, California 95814.
Kern County Economic Opportunity Corporation, Manpower Division, 218-220 Eureka Street, Bakersfield, California 93305.
Campesinos Unidos, Inc., P.O. Box 203, Brawley, California 92227.
County of Los Angeles, Department of Personnel, Manpower Programs Division, 320 West Temple Street, Room 780, Los Angeles, California 90012.
Economic Opportunity Commission of Yolo County, Inc., 511 Main Street, Suite 322, Woodland, California 95695.
San Diego State University Foundation, 5178 College Avenue, San Diego, California 92182.
Greater California Education Project, 841 West Belmont Avenue, Fresno, California 93728.
Tulare and Kings Counties, Comprehensive Manpower Agency, 1620 West Mineral King Avenue D, Visalia, California 93227.
Opportunities Industrialization Center, 302 South Blosser Road, Santa Maria, California 93454.
County of Santa Barbara, 105 East Anapamu Street, Santa Barbara, California 93101.
Inland Manpower Association, 131 West "N" Street, Colton, California 92324.
Santa Clara Valley Employment and Training Board, 675 North First Street, Suite 412, San Jose, California 95112.
Fresno County Economic Opportunities, 2100 Tulare Street, Room 505, Fresno, California 93721.
County of Butte, Butte County Personnel, County Administration Building, Orville, California 95965.
SER/Jobs for Progress, Inc., Department of Planning & Progress Development, 9841 Airport Boulevard, Los Angeles, California 80045.
Central Coast Counties Development Corp., 265 Center Avenue, Aptos, California 95003.
North Bay Human Development Corporation, Division, Fabric Casa, Inc., 2426 Mendocino Avenue, Santa Rosa, California 94501 (Submitting 2 Funding Request).
City of Stockton, City Hall, Stockton, California 95202.

COLORADO

State of Colorado, Dept. of Labor & Employment, Division of Manpower, 770 Grant Street, Denver, Colorado 80203.

CONNECTICUT

New England Farmworkers' Council, Inc., Operations Division, 3502 Main Street, Springfield, Massachusetts 01107.

DELAWARE

Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, Raleigh, North Carolina 27606.
Delmarva Ecumenical Agency, Rural Ministries Coalition, Blue Hen Mall, Dover, Delaware 19901.

FLORIDA

Community Action Migrant Program, 3521 West Broward Blvd., Suite 10, Fort Lauderdale, Florida 33312.
Fla. Dept. of Education/Vocational, Division of Vocational Education, Capitol Building, Tallahassee, Florida 32304.
Palm Beach County, Florida, P.O. Box 1989, West Palm Beach, Florida 33401.
Florida, Balance of State, Office of Manpower Planning, 1801 S. Gadsden Street, Tallahasse, Florida 32301.
Central Region Community Development Board, Inc., P.O. Box 247, Auburndale, Florida 33823.
Orange County—Orlando, Consortium, P.O. Box 2243, Orlando, Florida 32802.

GEORGIA

Georgia Community Action Association, Inc., P.O. Drawer 1219, Moultrie, Georgia 31768.
Office of Governor, Georgia Department of Labor, 501 Pulliam Street, SE, Rm. 525, Atlanta, Georgia 30312.
CSRA Economic Opportunity Authority, Inc., 2390 Walden Drive, Augusta, Georgia 30904.

HAWAII

State of Hawaii, Office of the Governor, Dept. of Labor & Ind. Relations, OMP, 825 Mililani Street, Honolulu, Hawaii 96813.

IDAHO

Idaho Migrant Council, 415 South 8th Street, Boise, Idaho 83706.

ILLINOIS

Shawnee Consortium, P.O. Box 298, Karnak, Illinois 62956.
Illinois Migrant Council, 19 West Jackson Blvd., Chicago, Illinois 60604.

INDIANA

AMOS, Inc., 3655 North Pennsylvania Street, Indianapolis, Indiana 46205.
Fort Wayne Area Consortium, 830 City-County Building, Fort Wayne, Indiana 46802.

IOWA

Migrant Action Program, Inc., 220 E. State Street, Mason City, Iowa 50401.

KANSAS

Kansas Council of Agricultural Workers & Low Income Families, Inc., 205 W. Chestnut, Garden City, Kansas 67846.
Office of the Governor, State of Kansas, Comprehensive Manpower Planning & Services Division, Suite 900, 525 Kansas Avenue, Topeka, Kansas 66603.

KENTUCKY

Commonwealth of Kentucky, Department of Human Resources, Capitol Annex Building, Frankfort, Kentucky 40601.

LOUISIANA

Manpower, Education, & Training of Louisiana, Inc. (METL), 105 East Houston Street, Cleveland, Texas 77327.

MAINE

None.

MARYLAND

Employment Security Administration, 1100 N. Eutaw Street, Baltimore, Maryland 21201.
Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, 3929 Western Boulevard, Raleigh, North Carolina 27606.

MASSACHUSETTS

New England Farmworkers' Council, Inc., Operations Division, 3502 Main Street, Springfield, Massachusetts 01107.

MICHIGAN

United Migrants for Opportunity, Inc., 111 South Lansing, Mt. Pleasant, Michigan 48858.

MINNESOTA

Minnesota Migrant Council, 618½ South Second Street, St. Cloud, Minnesota 56301.

MISSISSIPPI

Mississippi Delta Council for Farmworkers Opportunities, Inc., 1933 Fourth Street, Clarksdale, Mississippi 38614.

MISSOURI

Rural Missouri, Inc., 418 Madison Street, Jefferson City, Missouri 65101.
Missouri Association for Community Action, Inc., 127A East High Street, Jefferson City, Missouri 65101.

MONTANA

Office of the Governor, State of Montana, Box 169, Helena, Montana.

NEBRASKA

Mexican-American Commission, State of Nebraska, State Capitol, Lincoln, Nebraska 68509.
Migrant Action Program, Inc., 220 E. State Street, Mason City, Iowa 50401.
Nebraska Human Resources, Research Foundation, HEP, University of Nebraska, 501 North Tenth Street, Building 591, Lincoln, Nebraska 68508.
State of Nebraska, Department of Labor, 550 South 16th Street, Lincoln, Nebraska 68509.

NEVADA

None.

NEW HAMPSHIRE

Rockingham/Strafford Counties, c/o Rockingham/Strafford, Manpower Administration, P.O. Box 426, Epping, New Hampshire 03042.

NEW JERSEY

Farmworkers Corporation of New Jersey, 5 South State Street, Vineland, New Jersey 08360.

NEW MEXICO

Home Education Livelihood Program, 933 San Pedro S.E., Albuquerque, New Mexico 87108.

NEW YORK

County of Ulster, Intergovernmental Coordination Office, Manpower Division, 300 Flatbush Avenue, Kingston, New York 12401.
Westchester—Putnam Consortium, County Office Building, White Plains, New York 10601.
Program Funding, Inc., Suite 730 Powers Building, Rochester, New York 14614.
Suffolk County, Department of Labor, Veterans Memorial Highway, Hauppauge, New York 11787.
New York State Department of Labor on Behalf of Wayne County, Manpower Planning Secretariat, Room 563, Building 12, State Office Building Campus, Albany, New York 12226.

NORTH CAROLINA

Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, Raleigh, North Carolina 27606.
Rural Advancement Fund, 2128 Commonwealth Avenue, Charlotte, North Carolina 28205.

NORTH DAKOTA

Governor Arthur A. Link, State Capitol, Bismarck, North Dakota 58505.
North Dakota Migrant Council, Inc., 101 North Third Street, Grand Forks, North Dakota 58201.

OHIO

La Raza Unida de Ohio, 1616 East Wooster Street, Bowling Green, Ohio 43402.

OKLAHOMA

Oklahoma Rural Opportunities, Inc., CETA Title III, Sec 303 Div., P.O. Box 60126, Oklahoma City, Oklahoma 73106.

OREGON

Oregon Rural Opportunities, 5103 Portland Road, N.E., Salem, Oregon 97303.
Migrant and Indian Coalition for Community Coordinated Child Care, Inc., Route 1, Box 423, Hood River, Oregon 97031.

PENNSYLVANIA

Commonwealth of Pennsylvania, Department of Community Affairs, Harrisburg, Pennsylvania 17120.

PUERTO RICO

Commonwealth of Puerto Rico, Department of Labor, 414 Barbosa Avenue, Hato Rey, San Juan, Puerto Rico 00917.

RHODE ISLAND

New England Farmworkers Council, Inc., Operations Division, 3502 Main Street, Springfield, Massachusetts 01107.

SOUTH CAROLINA

South Carolina Resources Development Corporation, 371 South Liberty Street, Spartanburg, South Carolina 29301.
South Carolina Commission for Farm Workers, Inc., 134 Meeting Street, Charleston, South Carolina 29402.
Office of the Governor, State of South Carolina, Capitol Building, Columbia, South Carolina 29201.

SOUTH DAKOTA

State of South Dakota, Department of Labor, Office of the Secretary, Foss Building, Pierre, South Dakota 57501.

TENNESSEE

Tennessee Opportunity Programs for Seasonal Farmworkers, Inc., 2803 Foster Avenue, Nashville, Tennessee 37211.
State of Tennessee, Employment Security, 161 Eighth Avenue, North, Nashville, Tennessee 37203.

TEXAS

Economic Opportunities Development Corporation of S. A. and Bexar County Texas, 410 S. Main, San Antonio, Texas 78204.
Associated City-County Economic Development Corporation of Hidalgo County, P.O. Box 1198, Edinburg, Texas 78539.
Governor's Office of Migrant Affairs, 311 East 14th Street, Sam Houston Building, Room 109, Austin, Texas 78711.
MET, Inc., 105 East Houston Street, Cleveland, Texas 77327.
Juarez Lincoln University (withdrawn), 715 East First Street, Austin, Texas 78701.
Community Action Council of South Texas, 420 East Main, Rio Grande City, Texas 78582.
Coastal Bend Migrant Council, Inc., 5001 Ambassador Row, Corpus Christi, Texas 78416.

UTAH

None

VERMONT

Agency of Human Services, Office of Manpower Services, 79 River Street, Montpelier, Vermont 05602.

VIRGINIA

Division of State Planning and Community Affairs, (Virginia Employment Commission), 109 Governor Street, 1010 James Madison Building, Richmond, Virginia 23219.
Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, 3929 Western Boulevard, Raleigh, North Carolina 27606.

WASHINGTON

Northwest Rural Opportunities, Manpower, 305 Euclid Avenue, Grandview, Washington 98930.
Office of Community Development, Employment and Training Section, General Administration Building, Olympia, Washington 98504.

WEST VIRGINIA

None

WISCONSIN

United Migrant Opportunity Services (UMOS), P.O. Box 5343, 809 West Greenfield Avenue, Milwaukee, Wisconsin 53204.

WYOMING

None

Signed in Washington, D.C., this 7th day of October, 1975.

ROBERT J. MCCONNON,
Director,
Office of National Programs.

[FR Doc.75-27677 Filed 10-14-75;8:45 am]

Office of the Secretary

[TA-W-202]

BATESVILLE R&P, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Rubber, Cork, Linoleum and Plastic Workers of America, on behalf of the workers and former workers of Batesville R&P, Incorporated, Batesville, Arkansas (TA-W-202).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with heels, soles, micro-cellular soling and insulation for shoes produced by Batesville R&P, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2d day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27683 Filed 10-14-75;8:45 am]

[TA-W-110]

GENERAL COAT MANUFACTURING CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-110; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 13, 1975 in response to a worker petition received on August 4, 1975 which was filed by workers formerly producing men's sport coats at the General Coat Manufacturing Company of Baltimore, Maryland.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 36634) on August 21, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the General Coat Manufacturing Company, its customers, the Department of Commerce, U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significantly Total or Partial Separations. The average number of production workers declined 43 percent in the first half of 1975 compared to the like period in 1974. Average weekly hours declined 15 percent in the first half of 1975 compared to the like period in 1974

Sales or Production, or Both, Have Decreased Absolutely. Production in units at the Baltimore plant declined 32 percent in the first half of 1975 compared to the first half of 1974.

Increased Imports Contributed Importantly. The evidence developed by the Department's investigation indicates that General Coat produced finished sport coats under contract for two customers. The decision to close General Coat was based upon a significant decline in orders from customers which occurred in early 1975. Both customers indicated that their sales of sport coats of the type produced for them by General Coat declined sharply due to an increase in competitive imports. With the cutback in purchases by both of the firm's customers, officials of General Coat determined that the firm could not operate at a profitable level and terminated all production operations in May 1975.

In recent years leisure suits have become acceptable substitutes for sport coats. Imports of men's and boys' sport coats and suits, including leisure suits, have increased as a proportion of domestic production each year since 1971. Imports of sport coats were 23 percent of production in 1974 compared to 12.4 percent in 1971. Imports of suits were 11.2 percent of production in 1974 compared to 6.4 percent in 1971. Currently 10 exporting countries have agreed to specifically limit exports to the U.S. of sport coats and/or leisure suits on the basis that recent levels of imports were disrupting the domestic market.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's sport coats produced at the General Coat Manufacturing Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers of the General Coat Manufacturing Company, Baltimore, Maryland, who became totally or partially separated from employment on or after March 3, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of October 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation.

[FR Doc.75-27679 Filed 10-14-75;8:45 am]

[TA-W-104]

SPRINGFIELD WIRE OF INDIANA, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-104; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 31, 1975 in response to a worker petition received on July 31, 1975 which was filed by the International Union of Electrical Workers on behalf of workers formerly producing power cords and wire harnesses at the Evansville, Indiana plant of Springfield Wire of Indiana, Inc.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 33715) on August 11, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Springfield Wire, Inc., its customers the U.S. International Trade Commission, the Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers fell 27 percent in the last quarter of 1974 from the last quarter of 1973 and 65 percent in the first quarter of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales at the Evansville, Indiana plant declined 26.4 percent in the last quarter of 1974 from the last quarter of 1973 and 48 percent in the first half of 1975 compared to the first half of 1974.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at Springfield Wire of Indiana increased in value from 2.0 million dollars in 1970 to 22.9 million dollars in 1974. The ratios of imports to domestic consumption and production increased from .7 percent and .7 percent, respectively in 1970 to 4.5 percent and 4.7 percent respectively in 1974.

The evidence developed by the Department's investigation indicates that the impact of imports on wiring components for electrical appliances was most severe on those products which are labor inten-

sive. Import competition was not an important factor for Evansville's capital intensive products such as power cords and wire. Plant products such as wire harnesses, sewing and foil bonding are labor intensive products and have been subject to increasing competition from imports. As a consequence of competitive pressures, production of most sewing, and foil bonding and part of heater wire harness production was shifted from the Evansville plant to Mexico for shipment to the United States. Such shipments from Mexico to the United States have been increasing. The remaining production at Evansville was transferred to the Springfield, Massachusetts plant of Springfield Wire, Inc.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports from Springfield Wire's Nuevo Laredo, Mexico plant like or directly competitive with sewing, heater wire harnesses and foil bond produced at the Evansville plant contributed importantly to the total or partial separation of the workers of that plant. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with this provision of the Act, I make the following certification:

All hourly, piecework, and salaried workers employed at the Evansville plant of Springfield Wire of Indiana Inc. who became totally or partialy separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-27680 Filed 10-14-75;8:45 am]

[TA-W-106]

MIDLAND ROSS CORP.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-106: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 5, 1975 in response to a worker petition received on August 5, 1975 which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers formerly producing plastic articles at the Easton, Pennsylvania plant of the Midland Ross Corporation, Cleveland, Ohio.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 34492) on August 15, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Midland Ross Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The Easton plant ceased production operations in December of 1974. Factory worker employment dropped from a monthly average of 100 workers in October 1974 to 2 workers in February, 1975.

Sales or Production, or Both, Have Decreased Absolutely. The value of sales and production at the Easton plant declined by between 15 percent and 20 percent from 1973 to 1974. Production value in the fourth quarter of 1974 was more than 27 percent below production value in the fourth quarter of 1973.

Increased Imports Contributed Importantly. In 1974, less than 10 percent of the output of the Easton plant was of non-custom plastic products. The remainder of plant output was of plastic products made to customer specifications and oftentimes made with molds and tooling provided by the customers. Suppliers of custom plastic products work under tight quality and time restraints which make it extremely difficult for foreign suppliers to service the custom market.

Imports of commercial plastic products constitute less than 3 percent of domestic production. Such imports have declined in quantity since 1973, although the value of imports has increased. As a proportion of domestic production the quantity of imports has been declining steadily since 1971 while, in terms of value, the proportion has been relatively stable, falling within a range of 2.3 percent to 2.6 percent of domestic production from 1971 to 1974. Midland Ross closed the Easton plant because the profitability of production of custom plastic products was low, and the material handling products produced at Easton could be more efficiently produced at other company plants.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with plastic products produced at the Easton, Pennsylvania plant of the Midland Ross Corporation did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 5th day of October 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation.

[FR Doc.75-27681 Filed 10-14-75;8:45 am]

[TA-W-113]

PENN-VULCAN HEEL CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-113: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 12, 1975 in response to a worker petition received on that date which was filed by the United Steelworkers of America, AFL-CIO, on behalf of workers formerly producing heels for men's and women's footwear at the Penn-Vulcan Heel Company, Hanover, Pennsylvania, a subsidiary of the Vulcan Corporation, Cincinnati, Ohio.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 36635) on August 21, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Penn Vulcan Heel Company, its customers, industry analysts, and Department files.

In order to make an alternative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not neces-

sarily more important than any other cause.

Significant Total or Partial Separations. Average annual employment of production workers at Penn-Vulcan Heel Company declined 28 percent from 1973 to 1974 and declined 40 percent in the first half of 1975 compared to the same period in 1974. Layoffs of workers related to the closing of the plant occurred in July and August of 1975.

Sales or Production, or Both, Have Decreased Absolutely. Sales of heels by Penn-Vulcan declined 28 percent in quantity and 26 percent in value from 1973 to 1974, and 46 percent in quantity and 43 percent in value in the first half of 1975 compared to the same period in 1974. All production was terminated at Penn-Vulcan in July 1975.

Increased Imports Contributed Importantly. Although imports of heels increased from 55 thousand pairs in 1972 to 185 thousand pairs in 1974, imports have continued to comprise less than one-half of one percent of the domestic market for heels. The evidence developed in the investigation of Penn-Vulcan Heel Company indicates that Penn-Vulcan performed custom finishing work on heels for domestic shoe manufacturers according to customer specifications. Company officials and customers of Penn-Vulcan indicated that the decline in demand for domestically produced women's footwear was the cause of the decline in sales of heels by Penn-Vulcan. Since January 1973 nearly one-fourth of the shoe companies for which Penn-Vulcan supplied heels have terminated operations, and several other customers have significantly reduced output. The decision to close the Penn-Vulcan plant was based upon a significant decline in demand for footwear produced by Penn-Vulcan's customers and was not as a result of increased imports of heels. None of the former customers of Penn-Vulcan who were surveyed use imported heels in the manufacture of footwear and, with the closing of Penn-Vulcan, the customers are switching to other domestic suppliers.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with heels for men's and women's footwear produced by Penn-Vulcan Heel Company did not contribute importantly to the total or partial separation of workers of that firm.

Signed at Washington, D.C. this 6th day of October 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-27682 Filed 10-14-75;8:45 am]

[TA-W-216]

BYRON CLOTHING MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 3, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Byron Clothing Manufacturing Company, Somerville, Massachusetts (TA-W-216).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sports jackets, raincoats, and top jackets produced by Byron Clothing Manufacturing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27684 Filed 10-14-75;8:45 am]

[TA-W-210]

JOSEPH H. COHEN

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Joseph H. Cohen, New Haven, Indiana, a division of Rapid-American Corporation, New York, New York (TA-W-210).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with tailored suits and sport coats produced by Joseph H. Cohen or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27685 Filed 10-14-75;8:45 am]

[TA-W-215]

CONSOLIDATED FOODS CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Textile Workers Union of America on behalf of the workers and former workers of Conso Products Division, Montgomery, Pennsylvania, of Consolidated Foods Corporation, Chicago, Illinois (TA-W-215).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with fabricated textile products produced by Consolidated Foods Corporation or an appropriate

subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27686 Filed 10-14-75;8:45 am]

[TA-W-203]

CORNING GLASS WORKS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the American Flint Glass Workers Union on behalf of the workers and former workers of Albion, Michigan plant of Corning Glass Works, Corning, New York (TA-W-203).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with glass bulbs for black and white televisions produced by Corning Glass Works or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27687 Filed 10-14-75;8:45 am]

[TA-W-201]

DELVIN CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 29, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of Delvin Company, New York, New York, a division of General Shoe Company, New York, New York, a division of Genesco, Incorporated, Nashville, Tennessee (TA-W-201). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Delvin Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27688 Filed 10-14-75;8:45 am]

[TA-W-220]

GUY LEWIS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 3, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the Workers and former workers of Guy Lewis, Inc., Boston, Massachusetts (TA-W-220).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sport coats and leisure suits produced by Guy Lewis, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter

of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27689 Filed 10-14-75;8:45 am]

[TA-W-212]

HART SCHAFFNER AND MARX

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Hart Schaffner and Marx, Chicago, Illinois (TA-W-212).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's tailored suits, sport coats and uniforms produced by Hart Schaffner and Marx or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27690 Filed 10-14-75;8:45 am]

[TA-W-208]

JERSEY COAT CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Jersey Coat Company, Egg Harbor City, New Jersey (TA-W-208).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits and sportcoats produced by Jersey Coat Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27691 Filed 10-14-75;8:45 am]

[TA-W-219]

LEON CLOTHING MANUFACTURING, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 3, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Leon Clothing Manufacturing, Inc., Boston, Massachusetts (TA-W-219).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's outer wear—sport coats, top coats and overcoats produced by Leon Clothing Manufacturing, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27692 Filed 10-14-75;8:45 am]

[TA-W-218]

MAJOR COAT COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 3, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Cloth-

ing Workers of America, on behalf of the workers and former workers of Major Coat Company, Inc., Bridgeton, New Jersey (TA-W-218).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's clothing—suit coats and sport coats produced by Major Coat Company, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27693 Filed 10-14-75;8:45 am]

[TA-W-217]

MALCOLM KENNETH CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 3, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Malcolm Kenneth Company, Dorchester, Massachusetts, a division of After-Six, Incorporated, Philadelphia, Pennsylvania (TA-W-217).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with tailored topcoats and overcoats produced by Malcolm Kenneth Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27694 Filed 10-14-75;8:45 am]

[TA-W-211]

M. BORN AND CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of M. Born and Company, Chicago, Illinois (TA-W-211).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with tailored suits and sport coats produced by M. Born and Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27695 Filed 10-14-75;8:45 am]

[TA-W-185]

MICHAELS STERN CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 26, 1975 the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Rochester and Penn Yan, New York plants of Michaels Stern Company, Inc., Rochester, N.Y. (TA-W-185).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits, sport coats and men's slacks produced by Michaels Stern Company, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or propor-

tion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assitance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. N.W., Washington, D.C. 20210.

Signed at Washington, D.C. the 26th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assitance.

[FR Doc.75-27696 Filed 10-14-75;8:45 am]

[TA-W-221]

MODEL COAT CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 3, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Model Coat Company, Vineland, New Jersey (TA-W-221).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits and sport coats produced by Model Coat Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assitance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27697 Filed 10-14-75;8:45 am]

[TA-W-205]

QUEEN CASUALS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union on behalf of the workers and former workers of Queen Casuals, Incorporated, Philadelphia, Pennsylvania (TA-W-205).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's sportswear and casual wear produced by Queen Casuals, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27698 Filed 10-14-75;8:45 am]

[TA-W-213]

ROBERT TAILORING MANUFACTURING CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Robert Tailoring Manufacturing Company, Incorporated, Davenport, Iowa (TA-W-213).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's tailored suits, sport coats, slacks and uniforms produced by Robert Tailoring Manufacturing Company, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of Interna-

tional Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27699 Filed 10-14-75;8:45 am]

[TA-W-214]

ZOHN MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Gross Division of Zohn Manufacturing Company, Denver, Colorado (TA-W-214).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's tailored western suits, sport coats and uniforms produced by Zohn Manufacturing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27700 Filed 10-14-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 884]

ASSIGNMENT OF HEARINGS

OCTOBER 9, 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 112520 Sub-301, McKenzie Tank Lines, Inc., now assigned November 11, 17975, at Atlanta, Ga., will be held in the Admiral Benow Inn, 1470 Spring Street, N.W., instead of Room 220, Post Office and Courthouse Bldg., 57 Forsyth St.

MC 63792 Sub-23, Tom Hicks Transfer Company, Inc., now assigned November 13, 1975, at Dallas, Tex., is canceled and application dismissed.

MC 19227 Sub-208, Leonard Bros. Trucking Co., Inc. and MC 19227 Sub-209, Leonard Bros. Trucking Co., Inc., now assigned November 10, 1975, at Denver, Colorado, is cancelled and application dismissed.

MC 140987 Sub-1, William Frederick, now being assigned December 8, 1975, at Boston, Massachusetts, in a hearing room to be later designated.

MC 107839 Sub-162, Denver Albuquerque Motor Transport, Inc., and MC 112822 Sub-374, Bray Lines Incorporated, now being assigned November 10, 1975, (1 day) in Room 587, 5th Floor, U.S. Federal Bldg. and Courthouse, 19th and Stout Street, Denver, Colorado.

MC-C-8749, C & H Transportation Co., Inc.—Investigation and Revocation of Certificates, now being assigned November 13, 1975 (2 days) at Dallas, Texas; in Room 5A15-17 New Federal Building, 1100 Commerce Street.

MC 71459 Sub-43, O.N.C. Freight System, now assigned November 4, 1975, at Phoenix, Arizona is canceled and the application is dismissed.

MC 136315 Sub-5, Olen Burrage Trucking, Inc., now assigned November 5, 1975, at New Orleans, Louisiana, is postponed indefinitely.

MC 138313 (Sub-No. 17), Builders Transport, Inc., now being assigned November 10, 1975, at Office of Interstate Commerce Commission, Washington, D.C.

MC 108461 Sub-124, Whitfield Transportation, Inc., now assigned December 2, 1975, at Albuquerque, NM, will be held at the Howard Johnson Mid-Town Motel, 900 Medical Arts Avenue.

MC 138896 Sub-6, Ajax Transfer Company, now assigned December 8, 1975, at St. Paul, Minn., will be held in Court Room 2, Federal Building and Courthouse, Kellog and Robert Streets.

MC 125628 Sub-4, S. S. Baird & Sons, Limited, now being assigned December 10, 1975 (3 days), at Boston, Massachusetts, in a hearing room to be later designated.

MC 139123 Sub-7, Gloucester Dispatch, Inc., now being assigned December 3, 1975 (3 days), at Boston, Massachusetts, in a hearing room to be later designated.

MC 106920 Sub-61, Riggs Food Express, Inc., now assigned December 5, 1975 at Chicago, Illinois, is canceled and transferred to Modified Procedure.

MC 107913 Sub-14, F & W Express, Inc., now being assigned for continued hearing on December 2, 1975, at Little Rock Ark., at the Arkansas Transportation Commission, Justice Building

MC 120023 Sub-2, Sweeney Brothers, Incorporated, now being assigned December 2, 1975 (1 day), at Boston, Massachusetts, in a hearing room to be later designated.

MC 111729 Sub-535, Purolator Courier Corp., now being assigned November 17, 1975, for a pre-hearing conference, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.27715 Filed 10-14-75;8:45 am]

[AB 6 (Sub-No. 17)]

BURLINGTON NORTHERN, INC.

Abandonment Between Lewistown and Fairview, in Fulton County, Ill.

OCTOBER 9, 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 Fulton County, Ill., on or before October 24, 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 1st day of October, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

BURLINGTON NORTHERN, INC., ABANDONMENT BETWEEN LEWISTOWN AND FAIRVIEW, IN FULTON COUNTY, ILLINOIS

The Interstate Commerce Commission hereby gives notice that by order dated October 1, 1975, it has been determined that the proposed abandonment by Burlington Northern, Inc. of its line of railroad between Lewis-

town and Fairview, a distance of 14.91 miles, all in Fulton County, Ill., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the volume of traffic on the subject line is low, and the principal highways serving the affected area are adequate to accommodate the diversion of traffic to motor carriers.

The decline of coal traffic on the line resulted from the closing of three area strip mining operations between 1968 and 1970. There is no indication of further industrial development or mining operations in the tributary territory which would produce increased traffic volumes on the line.

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 10, 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.75-27716 Filed 10-14-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

OCTOBER 9, 1975.

The following applications 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(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before November 14, 1975. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 2900 (Sub-No. 264G), filed July 9, 1974. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32209. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *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), (1) between points in Illinois on and north of U.S. Highway 40 (except Effingham), St. Louis, Mo., and points in Ohio. The purpose of this filing is to eliminate the gateways at Clarksville, Ind. (2) betwen points in the Chicago, Ill. Commercial Zone and points in Ohio. The purpose of this filing is to eliminate the gateways at points in Indiana in the Chicago, Ill. Commercial Zone. (3) from points in Illinois on and north of U.S. Highway 40 (except Effingham), and St. Louis, Mo., to points in that part of Pennsylvania south of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 62 to Franklin, Pa., thence along U.S. Highway 322 to Lewistown, Pa., and thence along U.S. Highway 22 to Easton, Pa., including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateways at Clarksville, Ind., and Youngstown, Ohio. (4) from points in Illinois on and north of U.S. Highway 40 (except Effingham), St. Louis, Mo., to points in that portion of Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line, thence eastward along Pennsylvania Highway 358 to Greenville, thence along Pennsylvania Highway 58 to Mercer, thence westward along U.S. Highway 62 to the Ohio-Pennsylvania State line, thence northward along said line to the points of beginning. The purpose of this filing is to eliminate the gateways at Clarksville, Ind., and New Castle, Pa.

(5) From points in Illinois on and north of U.S. Highway 40 (except Effingham), St. Louis, Mo., to points in Bergen, Hudson, Passaic, Essex, Morris, Union, Somerset, Hunterdon, Sussex, Warren, Middlesex, Monmouth, and Mercer Counties, N.J. The purpose of this filing is to eliminate the gateways at Clarksville, Ind., Youngstown, Ohio, Easton (Northampton County), Pa. and Doylestown (Bucks County), Pa. (6) From points in Illinois on and north of U.S. Highway 40 (except Effingham), St. Louis, Mo., to points in North Carolina. The purpose of this filing is to eliminate the gateways at Clarksville, Ind., Youngstown, Ohio and Philadelphia, Pa. (7) From points in Illinois on and north of U.S. Highway 40 (except Effingham), St. Louis, Mo., to points in Charleston, S.C. The purpose of this filing is to eliminate the gateways at Clarksville, Ind., Youngstown, Ohio, Philadelphia, Pa., and Charlotte, N.C. (8) From points in Illinois on and north of U.S. Highway 40 (except Effingham), St. Louis, Mo., to Greenville, S.C. and points within 25 miles thereof. The purpose of this filing is to eliminate the gateways at Clarksville, Ind., Youngstown, Ohio, Philadelphia, Pa., and Tryon, N.C. (9) from points in Illinois on and north of U.S. Highway 40 (except Effingham), St. Louis, Mo., to points in New Jersey within 20 miles of City Hall in Philadelphia, Pa. The purpose of this filing is to eliminate the gateways at Clarksville, Ind., Youngstown, Ohio and Philadelphia, Pa.

(10) From points in Illinois on and north of U.S. Highway 40 (except Effingham), St. Louis, Mo., to points in Jefferson, Lewis, Onedia, Oswego, and Lawrence Counties, N.Y. The purpose of this filing is to eliminate the gateways at Clarksville, Ind., Youngstown, Ohio, Easton, Pa., and New York, N.Y. (11) From points in Illinois on and north of U.S. Highway 40 (except Effingham), St. Louis, Mo., to Hancock and Binghampton, N.Y. The purpose of this filing is to eliminate the gateways at Clarksville, Ind., Youngstown, Ohio and New York, N.Y. (12) From points in Indiana on the following specified highways: U.S. Highway 20, U.S. Highway 40, U.S. Highway 50, U.S. Highway 52 between junction U.S. Highway 41 and the Indiana-Ohio State line, U.S. Highway 41 between Vincennes and the Indiana-Illinois State line, U.S. Highway 24 between junction Indiana Highway 25 and the Indiana-Ohio State line, U.S. Highway 31 between Indianapolis and junction U.S. Highway 31E, U.S. Highway 31E between junction U.S. Highway 31 and the Indiana-Kentucky State line, U.S. Highway 31W between junction U.S. Highway 31 and the Indiana-Kentucky State line, U.S. Highway 150 between junction U.S. Highway 50 and the Indiana-Kentucky State line, U.S. Highway 35 between junction U.S. Highway 40 and the Indiana-Ohio State line, Indiana Highway 28 between junction U.S. Highway 41 and junction Indiana Highway 25, Indiana Highway 25 between junction Indiana Highway 28 and U.S. Highway 24, Indiana Highway 67 between Indianapolis and junction Indiana Highway 32, Indiana Highway 32 between junction Indiana Highway 67 and the Indiana-Ohio State line. To: (a) points in that part of Pennsylvania south of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 62 to Franklin, Pa., thence along U.S. Highway 322 to Lewistown, Pa., and thence along U.S. Highway 22 to Easton, Pa., including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway at Youngstown, Ohio.

(12)(b) Points in that portion of Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line, thence eastward over Pennsylvania Highway 358 to Greenville, thence over Pennsylvania 58 to Mercer, thence westward over U.S. Highway 62 to the Ohio-Pennsylvania State line, thence northward along said line to the point of beginning. The purpose of this filing is to eliminate the gateway at Youngstown, Ohio and New Castle, Pa. (12)(c) Points in Bergen, Hudson, Passaic, Essex, Morris, Union, Somerset, Hunterdon, Sussex, Warren, Middlesex, Monmouth, and Mercer Counties, N.J. The purpose

of this filing is to eliminate the gateways at Youngstown, Ohio Easton (Northampton County), Pa. and Doylestown (Bucks County), Pa. (12)(d) Points in North Carolina. The purpose of this filing is to eliminate the gateways at Youngstown, Ohio and Philadelphia, Pa. (12)(e) Charleston, S.C. The purpose of this filing is to eliminate the gateways at Youngstown, Ohio, Philadelphia, Pa., and Charlotte, N.C. (12)(f) Greenville, S.C. and points within 25 miles thereof. The purpose of this filing is to eliminate the gateways at Youngstown, Ohio, Philadelphia, Pa., and Tryon, N.C.

(12)(g) Points in New Jersey within 20 miles of City Hall in Philadelphia, Pa. The purpose of this filing is to eliminate the gateways at Youngstown, Ohio, and Philadelphia, Pa. (12)(h) Points in Jefferson, Lewis, Oneida, Oswego, and St. Lawrence Counties, N.Y. The purpose of this filing is to eliminate the gateways at Youngstown, Ohio, Easton, Pa., and New York, N.Y. and (12)(i) Hancock and Binghamton, N.Y. The purpose of this filing is to eliminate the gateways at Youngstown, Ohio, Easton, Pa., and New York, N.Y. (13) From Blairsville, Pa. and points in Pennsylvania within 60 miles of Blairsville, to points of origin in (13) above. The purpose of this filing is to eliminate the gateways at E. Liverpool, Ohio. (14) From Blairsville, Pa. and points in Pennsylvania within 60 miles of Blairsville, to points in Illinois on and north of U.S. Highway 40 (except Effingham). The purpose of this filing is to eliminate the gateways at E. Liverpool, Ohio and Clarksville, Ind. (15) From Blairsville, Pa. and points in Pennsylvania within 60 miles of Blairsville, to St. Louis, Mo. The purpose of this filing is to eliminate the gateways at E. Liverpool, Ohio and Clarksville, Ind.

No. MC 24583 (Sub-No. 18G), filed June 3, 1974. Applicant: RODNEY STEWART AND TROY STEWART, doing business as, FRED STEWART COMPANY, P.O. Box 665, Magnolia, Ark. 71753. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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; *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, between points in Kansas and Oklahoma, on the one hand, and, on the other, Memphis, Tenn. and points in Louisiana, Arkansas and Mississippi. The purpose of this application is to eliminate the gateways of Texas; Crawford, Franklin, Johnson, Pope, Conway, Perry, Yell, Scott, Logan and Sebastian Counties, Ark.; and LeFlore, Latimer, Sequoyah, Haskell, Pittsburg, and McIntosh Counties, Okla.

No. MC 107515 (Sub-No. 921G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in packages, from New Orleans, La., Gulfport, Miss., Mobile, Ala., Charleston, S.C., and points in Florida, to points in Wisconsin, Minnesota, Illinois, Michigan, Indiana, Kentucky, Virginia, West Virginia, Pennsylvania, Ohio, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, and Massachusetts. The purpose of this filing is to eliminate gateways at Gatesville, N.C., and Atlanta and Forest Park, Ga.

No. MC 114211 (Sub-No. 232G), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., 324 Manhard St., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 2440 E. Commercial Blvd., Ft. Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *(1) *Tractors, road making machinery and contractors' equipment and supplies*, the transportation of which because of size or weight requires the use of special equipment: *(a) between points in Kansas and Missouri. The purpose of this filing is to eliminate the gateways at points in Nebraska and Iowa. *(b) Between points in Illinois and Missouri, restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways at points in Iowa and Nebraska. *(2) *Tractors, road making machinery, and contractors' equipment and supplies* (except those motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act, commodities moving in driveaway service, and tank semitrailers) which are self-propelled vehicles or equipment, parts or attachments therefor, from points in Illinois, Iowa, Minnesota, South Dakota, Nebraska, Kansas and Colorado, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, restricted against the transportation to points in Maine, New Hampshire, Rhode Island, and Vermont of agricultural implements and machinery as defined in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 292. The purpose of this filing is to eliminate gateways at Minneapolis, Minn. and points in Dodge County, Wis.

*(3) *Tractors, road making machinery, and contractors' equipment and supplies* (except tractors with vehicle beds, bed frames or fifth wheels, and except motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act, commodities moving in driveaway service, and tank semitrailers) which are self-propelled vehicles or equipment, parts or attachments therefor, from points in Illinois, Iowa, Minnesota, South Dakota, Nebraska, Kansas and Colorado, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania and Virginia, restricted to the transportation of traffic originating at or destined to the plantsites, warehouse sites and experimental farms of Deere & Company. The purpose of this filing is to eliminate gateways at points in Dodge County, Wis. and Minneapolis, Minn. *(4)(a) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels) and (b) *road making machinery and contractors' equipment and supplies* which are designed for use in conjunction with tractors, from points in Illinois, Iowa, Minnesota, South Dakota, Nebraska, Kansas, Colorado, Texas and Oklahoma, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate gateways at points in the Fargo, N. Dak. Commercial Zone located in Minnesota. *(5) *Tractors* used as road building equipment (except those with vehicle beds, bed frames, and fifth wheels), from points in Texas and Oklahoma, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate gateways at points in Kansas, Bloomington, Minn., and Fargo, N. Dak.

(6)(a) *Tractors* (except those with vehicle beds, bed frames, or fifth wheels), (b) *agricultural machinery and implements*, (c) *industrial and construction machinery and equipment*, (d) *trailers* designed for the transportation of the commodities described above (except those designed to be drawn by passenger automobiles, (e) *attachments* for the commodities described in (a), (b), (c), and (d) above, (f) *internal combustion engines*, and (g) *parts* of the commodities described in (a), (b), (c), (d), (e), and (f) above, when moving in mixed loads with such commodities (except commodities which because of size or weight require the use of special equipment, and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), between points in Nebraska, South Dakota and Wyoming, on the one hand, and, on the other, points in Minnesota, North Dakota, Iowa

and Illinois. The purpose of this filing is to eliminate gateways at Omaha, Nebr. and Council Bluffs, Iowa. (7) (a) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), (b) *equipment* designed for use in conjunction with tractors, (c) *attachments* for the above-described commodities, and (d) parts of the commodities described in (a) through (c) above, in mixed loads with such commodities, which are used in each instance as farm machinery or equipment attachments or parts thereof, from points in Nebraska, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate gateways at Des Moines, Iowa and Fargo, N. Dak.

(8) (a) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), (b) *equipment* designed for use in conjunction with tractors, (c) *agricultural, industrial and construction machinery and equipment*, (d) *such merchandise* as is dealt in by lawn and garden dealers (except chemicals and commodities in bulk), (e) *trailers* designed for the transportation of the above described commodities (except those trailers designed to be drawn by passenger automobiles), (f) *internal combustion engines*, and (g) *accessories, parts and supplies* used in the manufacture, repair and assembly of the commodities in (a) through (f) above, from the plants, warehouse sites and storage facilities of the Sperry Rand Corp., New Holland Division, located at Belleville, Mountville and New Holland, Pa., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateway at Fargo, N. Dak. *(9) (a) *tractors*, with or without attachments, (b) *tractor attachments*, and (c) *parts* of tractors and tractor attachments when moving in mixed loads with the commodities specified in (a) and (b) above, between points in Iowa, Illinois, Minnesota, South Dakota, Nebraska, Kansas, and Colorado, on the one hand, and, on the other, points in the United States (except Hawaii), restricted to movements originating at or destined to foreign commerce, and restricted against the transportation of shipments originating at West Allis, Wis. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

*(10) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *road making machinery*, and *contractors' equipment and supplies*, from points in Illinois, Iowa, Minnesota, South Dakota, Nebraska, Kansas, and Colorado, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Idaho, Montana, Oregon, Utah, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Washington, Wyoming, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the plantsites, warehouse sites, and experimental farms of Deere & Company. The purpose of this filing is to eliminate gateways at the plants, warehouse sites and experimental farms of Deere & Company in Black Hawk County, Dubuque, Polk, and Wapello Counties, Iowa, and Rock Island County, Ill. *(11) *Farm tractors:* *(a) between points in South Dakota, Nebraska, Illinois, Colorado, Iowa, Minnesota, Kansas, Oklahoma and Missouri. The purpose of this filing is to eliminate gateways at Martin City, Mo. and points within 15 miles thereof, points in Missouri, and Fort Dodge, Iowa. *(b) From points in Illinois, Iowa, Nebraska, Kansas, Colorado and Minnesota, to points in Indiana. The purpose of this filing is to eliminate the gateway at Fort Dodge, Iowa. *(c) From points in Nebraska, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa. *(12) *Farm tractors* (except those which because of size or weight require the use of special equipment), from points in Illinois, Iowa, Minnesota, South Dakota, Nebraska, Kansas and Colorado, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Idaho, Kentucky, Louisiana, Minnesota, Mississippi, Montana, Nevada, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Utah, Washington, West Virginia, Wyoming, and the District of Columbia. The purpose of this filing is to eliminate gateways at Tulsa, Okla. and points in Kansas.

*(13) *Farm tractors* (except those which because of size or weight require the use of special equipment, and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from points in Illinois, Iowa, Minnesota, South Dakota, Nebraska, Kansas and Colorado, to points in Arizona, California, Iowa, Kansas, Maryland, Nebraska, New Jersey, New Mexico, North Carolina, Oklahoma, Virginia, and Wisconsin, restricted against shipments moving in foreign commerce to points in Canada. The purpose of this filing is to eliminate gateways at Claremore, Okla. and points in Kansas. *(14) *Farm tractors* (except those with vehicle beds, bed frames, or fifth wheels, and those which, because of size or weight require the use of special equipment), from points in Illinois, Iowa, Nebraska, Colorado, Kansas, and Minnesota, to points in Wisconsin and the Upper Peninsula of Michigan, restricted against the transportation of: (1) Agricultural machinery and implements, other than hand, as described in Section (1) (b) of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and farm tractors, from points in Racine County, Wis., Rock Island and Winnebago Counties, Ill., Des Moines County, Iowa, and Hennepin, Ramsey, and Dakota Counties, Minn., to points in New Mexico; (2) farm machinery, from points in Rock Island County, Ill. and Scott County, Iowa, to points in Wisconsin; and (3) tractors, traction engines and stationary engines, and attachments and parts therefor when their transportation is incidental to the transportation of tractors, traction engines and stationary engines, from points in Des Moines County, Iowa, to points in Wisconsin and the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Peru Township (Dubuque County), Iowa.

(15) *Farm tractors* (except those with vehicle beds, bed frames, and fifth wheels), the transportation of which because of size or weight requires the use of special equipment, from points in Missouri, to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the plant sites and warehouse facilities of Deere & Company. The purpose of this filing is to eliminate gateways at Fort Dodge, Iowa and the plantsites and storage facilities of Deere & Company in Dodge County, Wis. *(16) *Road building equipment* (except those commodities which because of size or weight require the use of special equipment, and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from points in Illinois, Iowa, Minnesota, South Dakota, Nebraska, Kansas and Colorado, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, restricted against shipments moving in foreign commerce to points in Canada. The purpose of this filing is to eliminate gateways at Claremore, Okla. and points in Kansas. *(17) *Road building equipment* (except those motor vehicles as defined in section 203 (a) (13) of the Interstate Commerce Act, commodities moving in driveaway service, and tank semitrailers) which are self-propelled vehicles or equipment, parts or attachments therefor, from points in Oklahoma, Kansas, and Texas, to points in Wisconsin. The purpose of this filing is to eliminate gateways at Minneapolis, Minn. and points in Kansas.

*(18) *Road building equipment:* *(a) from points in Oklahoma and Texas, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at or destined to the plantsites, warehouse sites and experimental farms of Deere & Company. The purpose of this filing is to eliminate gateways at points in Kansas and the plants, warehouse sites, and experimental farms of Deere & Company in Black Hawk and Dubuque Counties, Iowa. *(b) Between points in South Dakota, Colorado, Nebraska, Iowa, Illinois, Texas, Kansas, Oklahoma, and Minnesota. The purpose of this filing is to eliminate gateways at points in Kansas. *(c) From points in Texas, Oklahoma, and Kansas, to points in Idaho, Montana, Oregon, Utah, Wash-

ington, and Wyoming, restricted to the transportation of traffic originating at the plantsites, warehouse sites, and experimental farms of Deere & Company. The purpose of this filing is to eliminate gateways at points in Kansas, and the plants, warehouse sites, and experimental farms of Deere & Company in Black Hawk County, Dubuque, Polk, and Wapello Counties, Iowa and Rock Island County, Ill. (19) *Road building equipment* designed for use in conjunction with tractors (except commodities which because of size or weight require the use of special equipment, commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459, motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act, commodities moving in driveaway service, and tank semitrailers), from points in Texas and Oklahoma, to points in the United States (except Alaska, Hawaii, Massachusetts, Connecticut, Pennsylvania, and Delaware), restricted against shipments moving in foreign commerce to points in Canada, and further restricted against the transportation to points in Maine, New Hampshire, Rhode Island, and Vermont of agricultural implements and machinery as defined in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 292. The purpose of this filing is to eliminate gateways at Claremore, Okla. and Minneapolis, Minn.

*(20) *Road making machinery*, which is self-propelled vehicles or equipment, parts or attachments therefor (except motor vehicles defined in section 203(a)(13) of the Interstate Commerce Act, commodities moving in driveaway service, and tank semitrailers) from points in Texas and Oklahoma, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, restricted against the transportation to points in Maine, New Hampshire, Rhode Island, and Vermont of agricultural implements and machinery as defined in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 292. The purpose of this filing is to eliminate gateways at points in Kansas and Minneapolis, Minn. *(21) *Road making machinery*, from points in Texas, Oklahoma, and Kansas, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites and experimental farms of Deere & Company. The purpose of this filing is to eliminate gateways at points in Kansas and the plants, warehouse sites, and experimental farms of Deere & Company in Black Hawk and Dubuque Counties, Iowa. *(22) *Contractors' equipment*, between points in Illinois and Minnesota, restricted against operations in foreign commerce. The purpose of this filing is to eliminate the gateway of Garner, Iowa.

*(23) *Grading, paving and finishing machinery, equipment, parts, accessories and attachments:** (a) from points in Illinois, Iowa, Minnesota, South Dakota, Nebraska, and Colorado, to points in the United States (except Hawaii and Iowa). The purpose of this filing is to eliminate the gateway of Canton, S. Dak. *(b) Between points in Texas, Oklahoma, and Kansas, on the one hand, and, on the other, points in the United States (except Hawaii and Iowa). The purpose of this filing is to eliminate gateways at points in Kansas and Canton, S. Dak. *(24) *Grading, paving and finishing machinery, and equipment, parts, accessories and attachments* therefor, which are considered to be tractors or equipment used in conjunction with tractors, from points in the United States (except Hawaii and Iowa), to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate gateways at Canton, S. Dak. and Fargo, N. Dak. (25) *Concrete pipe making machinery*, and when moving with concrete pipe making machinery with which it is to be used, *parts* of such machinery and *auxiliary equipment* to be used therewith, the transportation of which, because of size or weight, requires special equipment, from points in Missouri, Iowa and Nebraska, to points in Alabama, Arizona, California, Connecticut, Delaware, Florida, Georgia, Idaho, Louisiana, Maine, Maryland, Massachusetts, the Upper Peninsula of Michigan, Mississippi, Montana, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia. The purpose of this filing is to eliminate the gateway at Waterloo, Iowa.

(26) *Buildings, storage bins, grain driers and corn cribs*, knocked down or in sections, and when shipped with said commodities, *component parts, materials, supplies, fixtures and accessories* used in their construction and erection, *ventilators and irrigation well casings*, which because of size or weight require the use of special equipment, from points in Iowa, Missouri, and Nebraska, to points in Iowa, Illinois, Minnesota, Wisconsin, North Dakota, South Dakota and Missouri. The purpose of this filing is to eliminate the gateway at Columbus, Nebr. (27) *Cast iron pressure pipe and fittings and accessories* therefor, when moving with such pipe, which because of size or weight require the use of special equipment, from points in Iowa, Nebraska and Missouri, to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming. The purpose of this filing is to eliminate gateways at Council Bluffs, Iowa, and the plantsite of the Griffin Pipe Products Co. at Council Bluffs, Iowa. (28) *Cast iron pressure pipe* (except pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts), and *fittings and accessories* therefor, when moving with such pipe, the transportation of which, because of size or weight requires the use of special equipment, from points in Iowa, Missouri and Nebraska, to points in Alabama, Arizona, Connecticut, Delaware, Florida, Georgia, Idaho, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

(29) *Cast iron pressure pipe and fittings* for cast iron pipe, the transportation of which because of size or weight requires the use of special equipment, from points in Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, North Carolina, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, to points in Iowa, Nebraska, and Missouri. The purpose of this filing is to eliminate the gateway at the facilities of Griffin Pipe Products Company at Council Bluffs, Iowa. *(30) *Self-propelled vehicles* (except those motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act and commodities moving in driveaway service), which are grading, paving and finishing machinery, and *equipment, parts, accessories and attachments* therefor (except tank semitrailers), from points in the United States (except Hawaii and Iowa), to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, restricted against the transportation to points in Maine, New Hampshire, Rhode Island, and Vermont of agricultural implements and machinery as defined in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 292. The purpose of this filing is to eliminate gateways at Canton, S. Dak., and Minneapolis, Minn.

(31) *Farm machinery:* (a) from points in Minnesota, North Dakota, Iowa and Illinois, to points in Illinois, Indiana, Minnesota, Missouri, Nebraska, North Dakota, and Wisconsin (except between points in the Fargo, N. Dak. Commercial Zone as defined by the Commission, on the one hand, and, on the other, points

in the Minneapolis-St. Paul Commercial Zone as defined by the commission). The purpose of this filing is to eliminate the gateway at Fort Dodge, Iowa. (b) From points in Colorado, Iowa, Kansas, Oklahoma, and South Dakota, and those points in Missouri in the Kansas City, Mo. Commercial Zone, to points in Illinois, Indiana, Minnesota, Missouri, Texas, Wisconsin, Michigan, and Ohio, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway at Beatrice, Nebr. (c) From points in Minnesota, North Dakota, Iowa, and Illinois, to points in Texas, Michigan, and Ohio, restricted against movement to oil field locations. The purpose of this filing is to eliminate gateways at points in Iowa, Beatrice, Nebr., and points in Nebraska within 50 miles of Nebraska City, Nebr. (d) Between points in Minnesota, North Dakota, Iowa, and Illinois, on the one hand, and, on the other, points in Colorado, Iowa, Kansas, Oklahoma, and South Dakota, and points in Missouri in the Kansas City, Mo. Commercial Zone. The purpose of this filing is to eliminate gateways at points in Iowa, Beatrice, Nebr., and points in Nebraska within 50 miles of Nebraska City, Nebr. (e) Between points in Iowa and Nebraska. The purpose of this filing is to eliminate the gateway at Beatrice, Nebr.

(32) *Farm machinery*, the transportation of which because of size or weight requires the use of special equipment: (a) from points in Iowa, Missouri, and Nebraska, to points in Indiana, Missouri, Texas, Wisconsin, Michigan, and Ohio, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway at Beatrice, Nebr. (b) Between points in Iowa, Nebraska, and Missouri, on the one hand, and, on the other, points in Colorado, Iowa, Kansas, and Oklahoma. The purpose of this filing is to eliminate the gateway at Beatrice, Nebr. (33) *Farm machinery and parts* thereof: (a) between points in Iowa, Missouri, and Nebraska, on the one hand, and, on the other, points in Illinois, Minnesota, North Dakota, and South Dakota, restricted to commodities the transportation of which because of size or weight requires the use of special equipment. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa. (b) From points in Minnesota, North Dakota, Iowa and Illinois, to points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the plantsites, warehouse sites, and experimental farms of Deere & Company. The purpose of this filing is to eliminate gateways at the plants, warehouse sites, and experimental farms of Deere & Company in Black Hawk County, Dubuque, Polk, and Wapello Counties, Iowa, and Rock Island County, Ill. (c) From points in Minnesota, North Dakota, Iowa, and Illinois, to points in Texas and New Mexico. The purpose of this filing is to eliminate gateways at Waterloo and Dubuque, Iowa.

(34) *Farm machinery* (except those commodities the transportation of which because of size or weight requires the use of special equipment or special handling), between points in Iowa and Nebraska (except points in Nebraska within 50 miles of Nebraska City, Nebr.), restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate gateways at Beatrice, Nebr. and points in South Dakota. (35) *Farm machinery* which is self-propelled vehicles or equipment, parts or attachments therefor (except motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act, commodities moving in driveaway service, and tank semitrailers), from points in Colorado, Iowa, Kansas, Oklahoma, South Dakota and points in Missouri in the Kansas City, Mo. Commercial Zone, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, Wyoming, and the District of Columbia, restricted against the transportation to points in Maine, New Hampshire, Rhode Island, and Vermont of agricultural implements and machinery as defined in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 292, and further restricted against movement to oil field locations. The purpose of this filing is to eliminate gateways at Beatrice, Nebr. and Minneapolis, Minn. (36) *Farm machinery* designed to be used in conjunction with tractors, from points in Colorado, Iowa, Kansas, Oklahoma, South Dakota, and points in Missouri in the Kansas City, Mo. Commercial Zone, to points in the United States (except Alaska and Hawaii), restricted against movement to oil field locations. The purpose of this filing is to eliminate gateways at Beatrice, Nebr. and points in the Fargo, N. Dak. Commercial Zone located in Minnesota.

(37) *Farm machinery*, the transportation of which because of size or weight requires the use of special equipment (except commodities which because of size or weight require the use of special equipment), between points in Nebraska and South Dakota, on the one hand, and, on the other, points in Iowa, Missouri and Nebraska. The purpose of this filing is to eliminate the gateway of points in Nebraska. (38) *Farm machinery* (except commodities which because of size or weight require the use of special equipment or special handling, and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459): (a) from points in Colorado, Iowa, Kansas, Oklahoma, South Dakota, and points in Missouri in the Kansas City, Mo. Commercial Zone, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at or destined to the plantsites, warehouse sites and experimental farms of Deere & Company. The purpose of this filing is to eliminate gateways at Beatrice and Omaha, Nebr.; Council Bluffs, Iowa; the plants, warehouse sites, and experimental farms of Deere & Company in Black Hawk and Dubuque Counties, Iowa; and points in Iowa and Nebraska. (b) Between points in Wyoming, and points in Missouri in the Kansas City, Mo. Commercial Zone, on the one hand, and, on the other, points in Minnesota, North Dakota, Iowa, and Illinois. The purpose of this filing is to eliminate gateways at Beatrice and Omaha, Nebr., Council Bluffs, Iowa, Nassau, Minn., and points in South Dakota. (c) From points in Nebraska, to points in Minnesota, North Dakota, Iowa, and Illinois. The purpose of this filing is to eliminate gateways at Omaha, Nebr. and Council Bluffs, Iowa. (d) From points in Nebraska and South Dakota, to points in Colorado, Kansas, Oklahoma, South Dakota, Indiana, Missouri, Texas, Wisconsin, Michigan, and Ohio, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

(39) *Agricultural machinery and implements*, other than hand, and *parts* thereof, when transported with such agricultural machinery and implements, as described in Sections B and C of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those requiring the use of special equipment), from Corpus Christi, Tex., to: (a) points in Illinois on, south and east of a line beginning at the Missouri-Illinois State Boundary line and extending along Illinois Highway 140 to intersection U.S. Highway 66, thence along U.S. Highway 66 to intersection U.S. Highway 51, and thence along U.S. Highway 51 to the Illinois-Wisconsin State Boundary line; Peoria, Ill.; and St. Paul and Minneapolis, Minn.; and (b) points in Indiana; points in Missouri on and south of U.S. Highway 40; St. Joseph, St. Louis and Kansas City, Mo; points in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State Boundary line and extending along U.S. Highway 12 to intersection Wisconsin Highway 29, and thence along Wisconsin Highway 29 to and including Kewaunee, Wis.; and points in Michigan south of a line beginning at the International Boundary line between the United States and Canada and extending along Michigan Highway 21 to Holland, Mich., and thence westerly along a straight line from Holland to the shore of Lake Michigan; and Bay City, Saginaw, and Port Huron, Mich., restricted in (b) above against movement to oil field locations. The purpose of this filing is to eliminate gateways at points in Illinois and Minnesota other than those described immediately above, and Beatrice, Nebr.

(40) *Agricultural machinery, agricultural implements*, and *parts* therefor, when moving incidental to and in the same vehicle with said commodities, and *industrial and construction machinery* and *equipment and parts* therefor, when

moving in mixed loads with such machinery and equipment (except, in each instance, commodities which because of size or weight require the use of special equipment, and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), which are self propelled vehicles or cranes and hoisting equipment, from Scholfield, Wis., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, the District of Columbia, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, and North Dakota, restricted against shipments moving in foreign commerce to points in Canada. The purpose of this filing is to eliminate the gateway at Claremore, Okla. (41) *Agricultural machinery* (except those commodities which because of size or weight require the use of special equipment), from points in Nebraska, to points in Illinois, Indiana, Minnesota, Missouri, Texas, Wisconsin, Michigan, and Ohio, restricted against the transportation of those commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459, and further restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

(42) *Agricultural implements and parts*, the transportation of which because of size or weight requires the use of special equipment, between points in Iowa, Missouri and Nebraska, on the one hand, and, on the other, points in Colorado, Kansas, Oklahoma, and South Dakota, and points in Missouri in the Kansas City, Mo. Commercial Zone. The purpose of this filing is to eliminate the gateway at Beatrice, Nebr. (43) *Agricultural implements* (except commodities the transportation of which because of size or weight requires the use of special equipment and commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from points in Kansas and Oklahoma, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Idaho, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas (except Dallas, Fort Worth, Houston, Galveston, Abilene, Sweetwater, Big Springs, Midland, Odessa, and El Paso), Utah, Vermont, Washington, West Virginia, Wyoming, the District of Columbia, Arizona, California, Iowa, Maryland, Nebraska, New Jersey, North Carolina, Virginia, and Wisconsin, restricted against shipments moving in foreign commerce to points in Canada. The purpose of this filing is to eliminate gateways at Beatrice, Nebr. and Claremore, Okla. (44) *Agricultural shredders, agricultural sprayers, scalpers, row crop shields, knocked down corn cribs*, and *attachments and parts* for said shredders, sprayers, scalpers, and corn cribs, when moving incidental to and in the same vehicle with said commodities (except those requiring the use of special equipment), from Corpus Christi, Tex., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York (except points in Kings, Queens, Nassau and Suffolk Counties), North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin. The purpose of this filing is to eliminate the gateway at Oelwein, Iowa.

(45) *Agricultural shredders, agricultural sprayers, scalpers, row crop shields, knocked down corn cribs*, and *attachments and parts* for said shredders, sprayers, scalpers, and corn cribs, when moving incidental to and in the same vehicle with said commodities, the transportation of which because of size or weight requires the use of special equipment, from points in Iowa, Missouri and Nebraska, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York (except points in Kings, Queens, Nassau and Suffolk Counties), North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin. The purpose of this filing is to eliminate the gateway at Oelwein, Iowa. *(46) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *road making machinery*, and *contractors' equipment and supplies* which are designed for use in conjunction with tractors, from points in Texas and Oklahoma, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate gateways at points in Kansas, and points in the Fargo, N. Dak. Commercial Zone located in Minnesota. *Restriction: the authorities listed above in 1(a), 1(b), 2, 3, 4, 5, 9, 10, 11(a), 11(b), 11(c), 12, 13, 14, 16, 17, 18(a), 18(b), 18(c), 20, 21, 22, 23(a), 23(b), 30, (24), and 46 are restricted against the transportation of tractors, road making machinery and contractors' equipment and supplies (except those requiring special equipment) from, to or between points specified as follows: (1) between Chicago, Ill. and Jefferson, Iowa; (2) between Chicago, Ill., Lincoln and Omaha, Nebr., and Council Bluffs, Iowa; (3) from Chicago, Rock Falls, Canton, Springfield, Peoria, Rock Island, Moline, and East Moline, Ill., and Davenport and Waterloo, Iowa, to Omaha and Lincoln, Nebr.; and (4) between Chicago, Sterling, and Rock Island, Ill., and Omaha, Nebr., on the one hand, and, on the other, Sioux City, Denison, Dedham, Woodbine, Audubon, Carroll, Arcadia, Breda, Templeton, Coon Rapids, and Manning, Iowa.

Office of Proceedings

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER NOTICES

Notice

OCTOBER 7, 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 *within 10 days* from the date of this publication. 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 8973 (Sub-No. E11), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment and supplies* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), (1) from points in Union County, N.J., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Maryland, Virginia, District of Columbia, Ohio, Delaware, those in Connecticut north of Connecticut Highway 123, those in New York on, north, and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to Kingston, thence along New York Highway 308 to junction New York Highway 199, thence along New York Highway 199 to junction Taconic State Parkway, thence along Taconic State Parkway to junction New York Highway 55, thence along New York Highway 55 to junction New York Highway 22, thence along the New York Highway 22 to the Putnam-Dutchess County line, thence along the Putnam-Dutchess County line to the New York-Connecticut State line, those in Pennsylvania on, south, and west of a line beginning at the New York-Pennsylvania State line and extending along unnumbered highway to junction Pennsylvania Highway 371 to junction Pennsylvania Highway 247.

Thence along Pennsylvania Highway 247 to junction Pennsylvania Highway 171, thence along Pennsylvania Highway 171 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Turnpike Extension, thence along the Pennsylvania Turnpike Extension to junction unnumbered highway near Bear Creek, to junction Pennsylvania Highway 93 near Hudsondale, to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Penn-

sylvania Highway 143, thence along Pennsylvania Highway 143 to junction Pennsylvania Highway 863, thence along Pennsylvania Highway 863 to junction Pennsylvania Highway 73, thence along Pennsylvania Highway 73 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction with the Pennsylvania Turnpike, to the New Jersey-Pennsylvania State line; (2) from Scotch Plains, Berkeley Heights, Crawford, and Clark Townships, the cities of Linden, Rahway, Plainfield, and Summit, New Providence, Mountainside, Garwood, and Fanwood Boroughs, and the town of Westfield (Union County), N.J., to points in Connecticut; (3) from Mountainside, Garwood, Kenilworth, Roselle Park, and Roselle Boroughs, Clark, Crawford, Union, and Hillside Townships, the cities of Elizabeth, Linden, and Rahway, and the town of Westfield (Union County), N.J., to points in Pennsylvania; and (4) from Clark and Hillside Townships, and cities of Linden, Rahway, and Elizabeth (Union County), N.J., to points in New York. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E33), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment and supplies* (except commodities in bulk), (1) from points in Bergen County, N.J., to points in Maryland, Virginia, Ohio, Delaware, and the District of Columbia, those in New Hampshire on, north, and east of a line beginning at the New Hampshire-Vermont State line and extending along unnumbered highway to junction U.S. Highway 4, thence along U.S. Highway 4 to junction U.S. Highway 3, thence along U.S. Highway 3 to the Atlantic Ocean, those in Vermont on, east, and north of a line beginning at the United States-Canada International Boundary line and extending along unnumbered highway to junction U.S. Highway 5, thence along U.S. Highway 5 to junction Vermont Highway 16, thence along Vermont Highway 16 to junction Vermont Highway 5A, thence along Vermont Highway 5A to junction Vermont Highway 105, thence along Vermont Highway 105 to the Vermont-New Hampshire State line, those in Pennsylvania on, south, and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to junction unnumbered highway near Bodines, to junction Pennsylvania Highway 864, thence along Pennsylvania Highway 864 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Pennsylvania Highway 61.

Thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 662, thence along Pennsylvania Highway 662 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 663, thence along Pennsylvania Highway 663 to junction Pennsylvania Highway 313, thence along Pennsylvania Highway 313 to junction unnumbered highway near Dublin, to the Pennsylvania-New Jersey State line, and those in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction New York Highway 17, thence along New York 17 to junction New York Highway 414, thence along New York Highway 414 to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 414, thence along New York Highway 414 to junction unnumbered highway near Clyde, to junction New York Highway 38, thence along New York Highway 38 to junction New York Highway 104, thence along New York Highway 104 to Lake Ontario; (2) from Fairlawn, East Patterson, Wallington, Wood-Ridge, Rutherford, and North Arlington Boroughs, Saddle Brook and Lyndhurst Townships, and the city of Garfield (Bergen County), N.J., to points in New Hampshire; (3) from Lyndhurst Townships, and the Boroughs of Rutherford and North Arlington (Bergen County), N.J.; and (4) from North Arlington Borough (Bergen County), N.J., to points in Rhode Island. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcon Aluminum Corporation at Woodbridge, N.J.

No. MC 27817 (Sub-No. E1), filed May 12, 1974. Applicant: H. C. GABLER, INC., P.O. Box 220, Chambersburg, Pa. 17201. Applicant's representative: Harold C. Gabler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, from the District of Columbia, and points in that part of Virginia within 300 miles of Baltimore, Md. (except points in Virginia east of the Chesapeake Bay), to points in that part of Pennsylvania east of U.S. Highway 15 (Baltimore, Md.)*; points in Rhode Island (Baltimore, Md., and York County, Pa.)*; and points in Maine, New Hampshire, and Vermont (Baltimore, Md., and New Freedom or Hanover, Pa.)*; and (2) *Canned fruit and vegetable products*, from the District of Columbia, and points in that part of Virginia within 300 miles of Baltimore, Md. (except points in Virginia east of the Chesapeake Bay), to points in New York, New Jersey, Connecticut, Massachusetts, Maryland, and points in that part of Delaware north of the Chesapeake and Delaware Canal (Baltimore, Md., and points in York County, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 27817 (Sub-No. E2), filed May 12, 1974. Applicant: H. C. GABLER, INC., PO Box 220, Chambersburg, Pa. 17201. Applicant's representative: Harold C. Gabler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and preserved food stuffs* (except frozen foods), from Aspers, Pa., and the facilities of H. J. Heinz Co., at Chambersburg, Pa., to points in Ohio and Kentucky; and (2) *Canned fruit and vegetable products*, from Adams, Franklin, and York Counties, Pa., to points in Ohio and Kentucky. The purpose of this filing is to eliminate the gateways of Morgan County, W. Va., or the facilities of Musselman Fruit Products, Division of Pet, Inc., at Inwood, W. Va.

No. MC 27817 (Sub-No. E3), filed May 12, 1974. Applicant: H. C. GABLER, INC., P.O. Box 220, Chambersburg, Pa. 17201. Applicant's representative: Harold C. Gabler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods;* (1) from New York, N.Y., and points in that part of New York and New Jersey within ten miles of New York, N.Y., to points in that part of Maryland, Virginia, and West Virginia within 300 miles of Baltimore, Md.; points in that part of North Carolina bounded by a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 301 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 321 near Crowders, N.C., thence along U.S. Highway 321 to Boone, N.C., thence along North Carolina Highway 194 through Todd, N.C., to junction U.S. Highway 221, thence along U.S. Highway 221 to the North Carolina-South Carolina State line to the point of beginning, including points on the indicated portions of the highways specified; and to points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 15 to junction Business Route U.S. Highway 15 (formerly portion U.S. Highway 15), thence along Business Route U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to Harrisburg, Pa., thence along U.S. Highway 11 to Northcumberland, Pa.

Thence along Pennsylvania Highway 147 (formerly Pennsylvania Highway 14), to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, thence along the Pennsylvania-New York State line to the Delaware River, to the Pennsylvania-Delaware State line, near Marcus Hook, Pa., thence along the Pennsylvania-Delaware State line to the Pennsylvania-Delaware-

Maryland State line, thence along the Pennsylvania-Maryland State line to the point of beginning, including points on the indicated portions of the highway specified; (2) from points in that part of Pennsylvania within 300 miles of Baltimore, Md., to points in that part of Virginia bounded by a line beginning at Richmond, Va., and extending along U.S. Highway 1 to Petersburg, Va., thence along U.S. Highway 460 to Cape Henry, thence along the Atlantic Coast to Deltaville, Va., thence along Virginia Highway 33 to the point of beginning, including points on the indicated portions of the highways specified; and (3) from points in that part of Pennsylvania on and east of a line beginning at Lake Erie, thence along Pennsylvania Highway 89 to Titusville, thence along Pennsylvania Highway 8 to Butler, thence along Pennsylvania Highway 422 to Indiana, thence along Pennsylvania Highway 119 to the Pennsylvania-Maryland State line to points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 220 to Rockingham, thence along U.S. Highway 1 to the North Carolina-South Carolina State line, and on and west of U.S. Highway 301. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 27817 (Sub-No. E4), filed May 12, 1974. Applicant: H. C. GABLER, INC., PO Box 220, Chambersburg, Pa. 17201. Applicant's representative: Harold C. Gabler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned fruit and vegetable products*, from Garrett and Allegany Counties, Md., and points in that part of West Virginia within 300 miles of Baltimore, Md. (except Cameron, Ohio, Brooke, and Hancock Counties, W.Va.), to points in that part of New York east of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 8 to junction New York Highway 7, thence along New York Highway 7 to Oneonta, N.Y., thence along New York Highway 28 to junction New York Highway 30, thence along New York Highway 30 to the United States-Canada International Boundary line and points in New Jersey, Connecticut, and Massachusetts (Baltimore, Md., and York County, Pa.) *; (2) *Canned goods*, from points in Garrett and Allegany Counties, Md., and points in that part of West Virginia within 300 miles of Baltimore, Md., (except Cameron, Ohio; Brooke and Hancock Counties, W.Va.), to points in that part of Pennsylvania east and south of Interstate Highway 78 (Baltimore, Md.) *; points in Rhode Island (Baltimore, Md., and York County, Pa.) *; and points in Vermont, New Hampshire, and Maine (Baltimore, Md., and New Freedom or Hanover, Pa.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 27817 (Sub-No. E5), filed May 12, 1974. Applicant: H. C. GABLER, INC., P.O. Box 220, Chambersburg, Pa. 17201. Applicant's representative: Harold C. Gabler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit products*, from the plant sites of Knouse Foods, Inc., and Knouse Foods Cooperative, Inc., at Orrtanna and Peach Glen (Adams County), Pa., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 27817 (Sub-No. E6), filed May 12, 1974. Applicant: H. C. GABLER, INC., P.O. Box 220, Chambersburg, Pa. 17201. Applicant's representative: Harold C. Gabler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned fruit and vegetables products*, from points in Adams, Franklin, and York Counties, Pa., to points in North Carolina and South Carolina; (2) *Canned and preserved foodstuffs* (except frozen foods and except commodities in bulk, in tank vehicles), from the plant site of Duffy Mott Company, Inc., at Aspers, Pa., to points in North Carolina and South Carolina; and (3) *Canned or preserved foodstuffs* (other than frozen, and except liquids in bulk), from the facilities of H. J. Heinz Company in Chambersburg, Pa., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of the plant site of Musselman Fruit Products, Division of Pet, Inc., at Inwood, W. Va.

No. MC 27817 (Sub-No. E8), filed May 12, 1974. Applicant: H. C. GABLER, INC., PO Box 220, Chambersburg, Pa. 17201. Applicant's representative: Harold C. Gabler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned fruits and vegetable products*, from New York, N.Y., and points in that part of New York and New Jersey within ten miles of New York, N.Y., to points in Ohio and Kentucky (York, Pa., and Morgan County, W. Va.) *; and (2) *Canned goods*, from Baltimore, Md., to points in Ohio and Kentucky (Morgan County, W. Va.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29934 (Sub-No. E1), (Correction), filed May 31, 1974, published in the Federal Register April 24, 1975. Applicant: LO BIONDO BROS. MOTOR EXPRESS, INC., Box 160, Bridgeton, N.J. 08302. Applicant's representative: Michael R. Werner, 2 West 45th St., New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*; (4) from Philadelphia, Pa., and points in Camden, Gloucester, Salem, Cumberland, and Atlantic Counties, N.J., to points in Maryland (Salem, N.J.) *; *Frozen foods*; (3) from Newark, N.J., and New York, N.Y., to points in Virginia (Philadelphia, Pa.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to include (4) and (3) above. The remainder of this letter-notice remains as previously published.

No. MC 29934 (Sub-No. E2), filed May 31, 1974. Applicant: LO BIONDO BROS. MOTOR EXPRESS, INC., Box 160, Bridgeton, N.J. 08302. Applicant's representative: Michael R. Werner, 2 W. 45th St., New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Canned goods*, from those points in the New York, N.Y., commercial zone, as defined by the Commission, and Long Island, N.Y., to the District of Columbia (Camden, N.J.) *.

(2) *Frozen foods*, from Newark, N.J., and New York, N.Y., to points in Delaware, Maryland, those in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 219 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Interstate Highway 83, thence along Interstate Highway 83 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 276, thence along Interstate Highway 276 to the Delaware River, and the District of Columbia (Camden, N.J.) *.

(3) *Canned goods*, from those points in the New York, N.Y., commercial zone, as defined by the Commission, and Long Island, N.Y., to those points in Pennsylvania on and south of a line beginning at the Ohio-Pennsylvania State line and extending along Pennsylvania Highway 358 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 283, thence along Pennsylvania Highway 283 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 41, thence along Pennsylvania Highway 41 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 322, thence along U.S. Highway 322 to the Delaware River (Salem County, N.J.) *.

(4) *Metal* and *metal products*, between those points in Pennsylvania on and south of a line beginning at the Ohio-Pennsylvania State line and extending along Pennsylvania Highway 358 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 283, thence along Pennsylvania Highway 283 to junction

U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 41, thence along Pennsylvania Highway 41 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 322, thence along U.S. Highway 322 to the Delaware River, on the one hand, and, on the other, those points in the New York, N.Y., commercial zone as defined by the Commission (Salem County, N.J.) *.

(5) *Groceries*, restricted to frozen foods, from Wilmington, Del. and Baltimore, Md., to points in New York (except New York, N.Y.), Massachusetts, Rhode Island, Connecticut, and those in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to junction Pennsylvania Turnpike Northeast Extension, thence along the Pennsylvania Turnpike Northeast Extension to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Pennsylvania Highway 320, thence along the Pennsylvania Highway 320 to the Delaware River (Camden, N.J.) *.

(6) *Groceries*, which are canned goods, from Wilmington, Del., and Baltimore, Md., to points in Connecticut, Massachusetts, Rhode Island, New York, and those in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to junction Pennsylvania Turnpike Northeast Extension, thence along the Pennsylvania Turnpike Northeast Extension to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 320, thence along Pennsylvania Highway 320 to the Delaware River (Philadelphia, Pa., and Salem, Cumberland, or Gloucester Counties, N.J.) *.

(7) *Canned goods*, from Philadelphia, Pa., to points in Massachusetts, Rhode Island, New York, Connecticut, those in Delaware on and south of a line beginning at the Delaware-Maryland State line and extending along Delaware Highway 404 to junction Delaware Highway 18, thence along Delaware Highway 18 to the Atlantic Ocean, those in Pennsylvania (except those south and east of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 80 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Pennsylvania Highway 34, thence along Pennsylvania Highway 34 to junction Pennsylvania Highway 134, thence along Pennsylvania Highway 134 to the Pennsylvania-Maryland State line) and the District of Columbia (Gloucester County, N.J.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 45736 (Sub E1), filed June 3, 1974. Applicant: GUIGNARD FREIGHT LINES, INC., Highway 21N, P.O. Box 26067. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. 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, (A) between points in Virginia on and bounded by a line beginning at the Atlantic Ocean and extending along U.S. Highway 13 to junction U.S. Highway 460, to junction Virginia Highway 40, to junction Virginia Highway 610, to junction Virginia Highway 622, to junction U.S. Highway 460, to junction Virginia Highway 36, to junction Virginia Highway 10, to junction Virginia Highway 156, to junction Virginia Highway 5, to junction U.S. Highway 60 to point of beginning, on the one hand, and, on the other, points in Alabama on and north of U.S. Highway 278. (B) Between points in Virginia on and bounded by a line beginning at Ford, Va., and extending along Virginia Highway 622 to junction Virginia Highway 708 to junction Virginia Highway 153, to junction U.S. Highway 360, to junction Virginia Highway 604, to junction Virginia Highway 622, to junction U.S. Highway 522, to junction U.S. Highway 250, to junction U.S. Highway 60, to junction Virginia Highway 5 to junction Virginia Highway 156 to junction Virginia Highway 10 to junction Virginia Highway 36, to junction U.S. Highway 460 to point of beginning on the one hand, and, on the other, points in Alabama on and north of U.S. Highway 278. The purpose of this filing is to eliminate the gateways of Concord, N.C., Charlotte, N.C., and Sumter, S.C.

No. MC 45736 (Sub E2), filed May 17, 1974. Applicant: GUIGNARD FREIGHT LINES, INC., Highway 21N, P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Penn. Ave. NW., Washington, D.C. 20004. 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, (A) between points in North Carolina on and bounded by a line beginning at Concord, N.C., and extending along North Carolina Highway 73 to junction North Carolina Highway 24, to junction U.S. Highway 15, to junction U.S. Highway 1 to the North Carolina-Virginia State line, to junction U.S. Highway 21, to junction North Carolina Highway 152, to junction North Carolina Highway 153, to junction U.S. Highway 29, to point of beginning, on the one hand, and, on the other, points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 521 to junction South Carolina Highway 200, to junction U.S. Highway 21 to junction U.S. Highway 201 to the South Carolina-Georgia State line, and on and west of Interstate Highway 85. (B) Between points in North Carolina on and west of U.S. Highway 1 and on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 21 to junction U.S. Highway 70, to junction U.S. Highway 321 to the North Carolina-South Carolina State line, on the one hand, and, on the other, Savannah, Ga.

(C) Between points in North Carolina on and north of a line beginning at Sanford, N.C., and extending along U.S. Highway 421 to junction North Carolina Highway 27, to junction unnumbered highway at Benson, N.C., to junction U.S. Highway 70, to junction North Carolina Highway 55, to Oriental, North Carolina, and on and east of U.S. Highway 1, which points are within 225 miles of Concord, N.C., and on the other, points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line, and extending along U.S. Highway 521 to junction South Carolina Highway 200, to junction U.S. Highway 21, to junction U.S. Highway 301, to the South Carolina-Georgia State line, and on and west of Interstate Highway 85. (D) Between points in North Carolina bounded on and east of U.S. Highway 1, and on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to junction U.S. Highway 311, to junction U.S. Highway 52, to junction U.S. Highway 29, to junction U.S. Highway 601, to junction North Carolina Highway 200, to junction North Carolina Highway 218, to junction U.S. Highway 74, to junction North Carolina Highway 742 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in South Carolina on and west of U.S. Highway 29. (E) Between points in North Carolina within 225 miles of Concord, N.C., which are on and west of U.S. Highway 1, on the one hand, and, on the other, points in South Carolina on and west of U.S. Highway 29.

(F) Between points in North Carolina on and bounded by a line beginning at Concord, N.C., and extending along U.S. Highway 29 to junction U.S. Highway 52, to junction U.S. Highway 311, to junction North Carolina Highway 89, to junction North Carolina Highway 8, to the North Carolina-Virginia State line, to junction U.S. Highway 21, to junction North Carolina Highway 152, to junction North Carolina Highway 152, to junction North Carolina Highway 153, to junction U.S. Highway 29, to point of beginning, on the one hand, and, on the other, points in South Carolina on and bounded by a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 521 to junction South Carolina Highway 200, to junction U.S. Highway 21, to junction U.S. Highway 301, to the South Carolina-Georgia State line, to the Atlantic Ocean, to junction U.S. Highway 176, to junction U.S. Highway 1, to the South Carolina-North Carolina State line, to point of beginning. (G) Between points in North Carolina on and bounded by a line beginning at Concord, N.C., and extending along U.S. Highway 29 to junction U.S. Highway 52, to junction U.S. Highway 311, to junction North Carolina Highway 89, to junction

North Carolina Highway 8, to the North Carolina-Virginia State line, to junction U.S. Highway 21, to junction North Carolina Highway 152, to junction North Carolina Highway 153, to junction U.S. Highway 29, to point of beginning, on the one hand, and, on the other, points in South Carolina on and east of U.S. Highway 1 and on and north of U.S. Highway 176. (H) Between points in North Carolina on and bounded by a line beginning at Statesville, N.C., and extending along U.S. Highway 21 to the North Carolina-Virginia State line, to the North Carolina-Tennessee State line, to junction U.S. Highway 321, to junction U.S. Highway 70, to point of beginning, on the one hand, and, on the other, points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 521 to junction South Carolina Highway 200, to junction U.S. Highway 21, to junction U.S. Highway 301, to the South Carolina-Georgia State line.

(I) Between points in North Carolina on and bounded by a line beginning at Concord, N.C., and extending along U.S. Highway 29 to junction North Carolina Highway 153, to junction North Carolina Highway 152, to junction U.S. Highway 21, to junction U.S. Highway 70, to junction U.S. Highway 321, to the North Carolina-Tennessee State line, to junction Interstate Highway 40, to junction U.S. Highway 23, to junction U.S. Highway 70, to junction U.S. Highway 321, to junction North Carolina Highway 27, to junction North Carolina Highway 73, to point of beginning, on the one hand, and, on the other, points in South Carolina on and north of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 601 to junction South Carolina Highway 151, to junction U.S. Highway 1, to junction South Carolina Highway 341, to junction U.S. Highway 15, to junction U.S. Highway 521, to junction U.S. Highway 52, to junction South Carolina Highway 45 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Concord, N.C.

No. MC 49052 (Sub-No. E14) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER, June 30, 1975, republished in the FEDERAL REGISTER, August 25, 1975. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (2) between points in Mississippi (except Pearl River, Hancock, Stone, Harrison, George and Jackson Counties), on the one hand, and, on the other, points in Franklin, Liberty, Gadsden, Leon, Wakulla, Jefferson, Madison, and Taylor Counties, Fla. The purpose of this filing is to eliminate the gateway of Dougherty County, Ga. The purpose of this partial correction is to correct the territorial description in (2) above. The remainder of the letter-notice remains as previously published.

No. MC 61231 (Sub-E50), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: Wm. L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from points in that part of Minnesota, on, north and east of a line beginning at the Iowa-Minnesota border, thence over U.S. Highway 71 to junction Minnesota Highway 67, to junction U.S. Highway 212, to junction U.S. Highway 59, to junction U.S. Highway 52, thence over U.S. Highway 52 to the Minnesota-North Dakota Border, and points in that part of Iowa on, east and north of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 11 to junction Interstate Highway 80, to junction Iowa Highway 25, to junction U.S. Highway 34, to the Iowa-Illinois State line, to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 61825 (Sub-No. E139), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Tennessee bounded by a line beginning at the Virginia-Tennessee State line at U.S. Highway 23 and extending along U.S. Highway 23 to the Tennessee-North Carolina State line, thence along the Tennessee-North Carolina State line to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 25E, thence along U.S. Highway 25E to junction U.S. Highway 11W, thence along U.S. Highway 11W to junction Tennessee Highway 70, thence along Tennessee Highway 70 to the Virginia-Tennessee State line, thence along the Virginia-Tennessee State line to the point of beginning, on the one hand, and, on the other, points in California, Idaho, Montana, Nevada, Oregon, and Washington on and west of a line beginning at the United States-Mexico International Boundary line at Interstate Highway 5 and extending along Interstate Highway 5 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 138, thence along California Highway 138 to junction California Highway 14, thence along California Highway 14 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 168. Thence along California Highway 168 to the California-Nevada State line, thence along Nevada Highway 3 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Nevada-Idaho State line, thence along U.S. Highway 93 to the Idaho-Montana State line, thence along U.S. Highway 93 to junction Montana Highway 38, thence along Montana Highway 38 to junction U.S. Alternate Highway 10, thence along U.S. Alternate Highway 10 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Montana Highway 271, thence along Montana Highway 271 to junction Montana Highway 200, thence along Montana Highway 200 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Canada-United States International Boundary line. The purpose of this filing is to eliminate the gateways of Pulaski, Lynchburg, and points in Smyth County, Va.

No. MC 61825 (Sub-No. E140), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Tennessee on and east of a line beginning at the Tennessee-Virginia State line at Tennessee Highway 70 and extending along Tennessee Highway 70 to the Tennessee-North Carolina State line, on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming on and west of a line beginning at the United States-Mexico International Boundary line at U.S. Highway 95, extending along U.S Highway 95 to the junction of Arizona Highway 95, thence along Arizona Highway 95 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Nevada-Arizona State line, thence along the Nevada-Arizona State line to junction Arizona-Utah State line, thence along the Arizona-Utah State line to Lake Powell, Utah, thence along the Lake Powell and the Colorado River to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 189, thence along U.S. Highway 189 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction U.S. Highway 89, thence along U.S. Highway 89 to the Idaho-Wyoming State line, thence along U.S. Highway 89 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Wyoming Highway 233, thence along Wyoming Highway 233 to the Canada-United States International Boundary line. The purpose of this filing is to eliminate the gateways of Pulaski, Lynchburg, and points in Smyth County, Va.

No. MC 61825 (Sub-No. E141), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *New furniture*, between points in Georgia on and bounded by a line beginning at the Tennessee-Georgia State line at Georgia Highway 5 and extending along Georgia Highway 5 to junction U.S. Alternate Highway 27, thence along U.S. Alternate Highway 27 to the Alabama-Georgia State line at Columbus, Ga., thence along the Alabama-Georgia State line to junction Georgia Highway 53, thence along Georgia Highway 53 to junction Georgia Highway 225, thence along Georgia Highway 225 to the Georgia-Tennessee State line, thence along the Georgia-Tennessee State line to the point of beginning, on the one hand, and, on the other, points in Minnesota on and north of a line beginning at the Minnesota-North Dakota State line at Breckenridge, Minn., and extending along Minnesota Highway 210, thence along Minnesota Highway 210 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction U.S. Highway 61 at Lake Superior, thence along the shores of Lake Superior to the United States-Canadian International Boundary line. The purpose of this filing is to eliminate the gateway of Smyth County, Va.

No. MC 61825 (Sub-No. E142), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Georgia on and bounded by a line beginning at the Tennessee-Georgia State line at Georgia Highway 5 and extending along Georgia Highway 5 to junction U.S. Alternate Highway 27, thence along U.S. Alternate Highway 27 to junction Alabama-Georgia State line at Columbus, Ga., thence along the Alabama-Georgia State line to the Georgia-Florida State line, thence along the Georgia-Florida State line to junction Georgia Highway 97, thence along Georgia Highway 97 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Georgia Highway 195, thence along Georgia Highway 195 to junction Georgia Highway 128, thence along Georgia Highway 128 to junction U.S. Highway 341, thence along U.S. Highway 341 to junction Georgia Highway 42, thence along Georgia Highway 42 to junction Georgia Highway 83, thence along Georgia Highway 83 to junction Georgia Highway 11, thence along Georgia Highway 11 to junction Georgia Highway 211, thence along Georgia Highway 211 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction Georgia Highway 403, thence along Georgia Highway 403 to junction Georgia Highway 13, thence along Georgia Highway 13 to junction U.S. Highway 129, thence along U.S. Highway 129 to the North Carolina-Georgia State line, thence along the North Carolina-Georgia State line to the Georgia-Tennessee State line, thence along the Georgia-Tennessee State line to the point of beginning, on the one hand, and, on the other, points in Minnesota on and north of a line beginning at the Minnesota-South Dakota State line at U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va.

No. MC 61825 (Sub-No. E143), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Georgia on and east of a line beginning at the North Carolina-Georgia State line at U.S. Highway 129, thence along U.S. Highway 129 to junction Georgia Highway 13, thence along Georgia Highway 13 to junction Georgia Highway 403, thence along Georgia Highway 403 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction Georgia Highway 211, thence along Georgia Highway 211 to junction Georgia Highway 11, thence along Georgia Highway 11 to junction Georgia Highway 83, thence along Georgia Highway 83 to junction Georgia Highway 42, thence along Georgia Highway 42 to junction U.S. Highway 341, thence along U.S. Highway 341 to junction Georgia Highway 128, thence along Georgia Highway 128 to junction Georgia Highway 195, thence along Georgia Highway 195 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Georgia Highway 97, thence along Georgia Highway 97 to the Georgia-Florida State line, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va.

No. MC 61825 (Sub-No. E144), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Johnson City, Tenn., to points in Minnesota on and north of a line beginning at the Minnesota-South Dakota State line and extending along Minnesota-Iowa State line to U.S. Highway 218, thence along U.S. Highway 218 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 42, thence along Minnesota Highway 42 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Martinsville, Va.

No. MC 61825 (Sub-No. E145), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Tennessee on and east of a line beginning at the Virginia-Tennessee State line at Tennessee Highway 70, thence along Tennessee Highway 70 to the Tennessee-North Carolina State line to points in Minnesota on, north and west of a line beginning at the South Dakota-Minnesota State line at U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to Lake Superior, thence along the Lake Superior Shore to the United States-Canadian International Boundary line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Martinsville, Va.

No. MC 61825 (Sub-No. E146), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Tennessee on and east of a line beginning at the Virginia-Tennessee State line at U.S. Highway 23, thence along U.S. Highway 23 to junction Tennessee Highway 107, thence along Tennessee Highway 107 to the Tennessee-North Carolina State line to points in Texas and Oklahoma on and west of a line beginning at the Gulf of Mexico at Texas Highway 361 at Port Arkansas, thence along Texas Highway 361 to junction U.S. Highway 181, thence along U.S. Highway 181 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Texas Highway 349, thence along Texas Highway 349 to junction Texas Highway 137, thence along Texas Highway 137 to junction U.S. Highway 385, thence along U.S. Highway 385 to the Texas-Oklahoma State line, thence along U.S. Highway 385 to the Oklahoma-Colorado State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Martinsville, Va.

No. MC 61825 (Sub-No. E147), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. BOX 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Florida on and south of a line beginning at the Gulf of Mexico at Florida Highway 580 and extending along Florida Highway 580 to

junction Interstate Highway 4, thence along Interstate Highway 4 to the Atlantic Ocean, to points in California, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, and Washington on and west of a line beginning at the North Dakota-Canada International Boundary line at the Minnesota-North Dakota State line to junction U.S. Highway 2, thence along U.S. Highway 2 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction North Dakota Highway 30, thence along North Dakota Highway 30 to junction North Dakota Highway 13, thence along North Dakota Highway 13 to junction North Dakota Highway 3, thence along North Dakota Highway 3 to the North Dakota-South Dakota State line, thence along the North Dakota-South Dakota State line to junction South Dakota Highway 63, thence along South Dakota Highway 63 to junction U.S. Highway 12, thence along U.S. Highway 12 to the North Dakota-South Dakota State line, thence along U.S. Highway 12 to the Montana-North Dakota State line, thence along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Wyoming State line, thence along the Montana-Wyoming State line to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Montana State line, thence along U.S. Highway 191 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Idaho State line, thence along U.S. Highway 91 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-Utah State line, thence along U.S. Highway 40 to the California-Nevada State line, thence along U.S. Highway 40 to junction California Highway 20, thence along California Highway 20 to the Pacific Ocean. The purpose of this filing is to eliminate the gateways of Pulaski, Lynchburg, and points in Smyth County, Va.

No. MC 61825 (Sub-No. E148), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Florida on and bounded by a line beginning at the Georgia-Florida State line at U.S. Highway 441 and extending along U.S. Highway 441 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Florida Highway 26, thence along Florida Highway 26 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Florida Highway 24, thence along Florida Highway 24 to the Gulf of Mexico, thence along the Gulf of Mexico to junction Florida Highway 580, thence along Florida Highway 580 to junction Interstate Highway 4, thence along Interstate Highway 4 to the Atlantic Ocean, thence along the Atlantic Ocean Shore to the Georgia-Florida State line, thence along the Georgia-Florida State line to the point of beginning, to points in California, Idaho, Montana, North Dakota, Oregon, and Washington on, north and west of a line beginning at the North Dakota-Canada International Boundary line at U.S. Highway 83 and extending along U.S. Highway 83 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction North Dakota Highway 8, thence along North Dakota Highway 8 to junction U.S. Highway 10, thence along U.S. Highway 10 to the North Dakota-Montana State line.

Thence along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction Montana Highway 289, thence along Montana Highway 289 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Montana Highway 287, thence along Montana Highway 287 to junction Montana Highway 41, thence along Montana Highway 41 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Montana Highway 324, thence along Montana Highway 324 to the Idaho-Montana State line, thence along Idaho Highway 29 to junction Idaho Highway 28, thence along Idaho Highway 28 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Idaho Highway 21, thence along Idaho Highway 21 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Idaho Highway 55, thence along Idaho Highway 55 to junction U.S. Highway 95, thence along U.S. Highway 95 to the Oregon-Idaho State line, thence along U.S. Highway 95 to the Nevada-Oregon State line, thence along U.S. Highway 95 to junction Nevada Highway 49, thence along Nevada Highway 49 to junction Nevada Highway 34, thence along Nevada Highway 34 to junction Nevada Highway 81, thence along Nevada Highway 81 to the California-Nevada State line, thence along California Highway 81 to junction California Highway 299, thence along California Highway 299 to junction California Highway 89, thence along California Highway 89 to junction California Highway 36, thence along California Highway 36 to junction California Highway 32, thence along California Highway 32 to junction California Highway 45, thence along California Highway 45 to junction California Highway 20, thence along California Highway 20 to the Pacific Ocean. The purpose of this filing is to eliminate the gateways of Pulaski, Lynchburg, and points in Smyth County, Va.

No. MC 61825 (Sub-No. E149), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Florida south of a line beginning at the Atlantic Ocean at U.S. Highway 192 and extending along U.S. Highway 192 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction Florida Highway 70, thence along Florida Highway 70 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Florida Highway 29, thence along Florida Highway 29 to junction Florida Highway 846, thence along Florida Highway 846 to the Gulf of Mexico, to points in Minnesota. The purpose of this filing is to eliminate the gateways of Pulaski and Martinsville, Va.

No. MC 61825 (Sub-No. E150), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Florida on and bounded by a line beginning at the Florida-Georgia State line at U.S. Highway 301 and extending along U.S. Highway 301 to junction Florida Highway 44, thence along Florida Highway 44 to junction Florida Highway 490, thence along Florida Highway 490 to the Gulf of Mexico, thence along the Gulf of Mexico to junction Florida Highway 846, thence along Florida Highway 846 to junction Florida Highway 29, thence along Florida Highway 29 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Florida Highway 70, thence along Florida Highway 70 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 192, thence along U.S. Highway 192 to the Atlantic Ocean, thence along the Atlantic Ocean Shore to the Saint Mary's River, thence along the Saint Mary's River to the point of beginning, to points in Minnesota north of a line beginning at the Minnesota-South Dakota State line at Minnesota Highway 19 and extending along Minnesota Highway 19 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Martinsville and Pulaski, Va.

No. MC 61825 (Sub-No. E151), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Georgia to points in Delaware and Maryland on and southeast of a line beginning on the eastern shore of the Chesapeake Bay and extending along the Nanticoke River to junction Maryland Highway 313, thence along Maryland Highway 313 to junction Maryland Highway 348, thence along Maryland Highway 348 to junction Delaware Highway 24, thence along Delaware

Highway 24 to junction unnumbered highway three miles east of Lowes Crossroads, Dela., thence along unnumbered highway to junction Delaware Highway 26, thence along Delaware Highway 26 to Bethany Beach, Dela., and thence to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E152), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Georgia, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania and points in Delaware, District of Columbia, and Maryland on and north of a line beginning at the Pennsylvania-West Virginia State line near Markleysburg, Pa., thence along the West Virginia-Maryland State line to Kempton, Md., thence along the Maryland-West Virginia State line to the Virginia-Maryland State line, thence along the Virginia-Maryland State line to the Virginia-District of Columbia State line, thence along the Virginia-District of Columbia State line to the Virginia-Maryland State line, thence along the Virginia-Maryland State line to the Chesapeake Bay, thence along the Chesapeake Bay to the Nanticoke River, thence along the Nanticoke River to junction Maryland Highway 313, thence along Maryland Highway 313 to junction Maryland Highway 348, thence along Maryland Highway 348 to junction Delaware Highway 24, thence along Delaware Highway 24 to junction unnumbered highway 3 miles east of Lowes Crossroads, Dela., thence along unnumbered highway to Delaware Highway 26, thence along Delaware Highway 26 to Bethany Beach, Dela., thence along to the Atlantic Ocean and points in Ohio and West Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along West Virginia Highway 102 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Ohio Highway 76, thence along Ohio Highway 76 to junction Ohio Highway 241, thence along Ohio Highway 241 to junction Ohio Highway 94, thence along Ohio Highway 94 to Cleveland, Ohio, and thence to Lake Erie. The purpose of this filing is to eliminate the gateway of Pulaski, Va.

No. MC 61825 (Sub-No. E153), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Georgia, on the one hand, and, on the other, points in Ohio and West Virginia on and bounded by a line beginning at the Kentucky-West Virginia State line and extending along U.S. Highway 119 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction unnumbered highways 9 miles north of Crum, W. Va., thence along unnumbered highways through Eloise, W. Va., to junction West Virginia Highway 37, thence along West Virginia Highway 37 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to junction West Virginia Highway 34, thence along West Virginia Highway 34 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 7, thence along Ohio Highway 7 to junction Ohio Highway 160, thence along Ohio Highway 160 to junction Ohio Highway 346, thence along Ohio Highway 346 to junction Ohio Highway 681, thence along Ohio Highway 681 to junction Ohio Highway 356, thence along Ohio Highway 356 to junction Ohio Highway 56, thence along Ohio Highway 56 to junction Ohio Highway 278, thence along Ohio Highway 278 to junction Ohio Highway 595, thence along Ohio Highway 595 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 37, thence along Ohio Highway 37 to junction Ohio Highway 345.

Thence along Ohio Highway 345 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 179, thence along Ohio Highway 179 to junction Ohio Highway 95, thence along Ohio Highway 95 to junction Ohio Highway 89, thence along Ohio Highway 89 to junction Ohio Highway 58, thence along Ohio Highway 58 to Lorain, Ohio, thence along the shore of Lake Erie to Cleveland, Ohio, thence along Ohio Highway 94 to junction Ohio Highway 241, thence along Ohio Highway 241 to junction Ohio Highway 76, thence along Ohio Highway 76 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction West Virginia Highway 102, thence along West Virginia Highway 102 to the West Virginia-Virginia State line, thence along the West Virginia-Virginia State line to the West Virginia-Kentucky State line and, thence along the West Virginia-Kentucky State line to the point of beginning. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va.

No. MC 61825 (Sub-No. E154), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and east of U.S. Highway 52 and points in Virginia on, south, and east of a line beginning at the Atlantic Ocean and extending along the Virginia-Maryland State line to the Chesapeake Bay, thence along the Potomac River to Virginia Highway 619, thence along Virginia Highway 619 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction Virginia Highway 260, thence along Virginia Highway 260 to junction Virginia Highway 259, thence along Virginia Highway 259 to junction Virginia Highway 613, thence along Virginia Highway 613 to junction Virginia Highway 257, thence along Virginia Highway 257 to junction Virginia Highway 731, thence along Virginia Highway 731 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Virginia-West Virginia State line to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 89, thence along Virginia Highway 89 to the Virginia-North Carolina State line and points in Arkansas, Kansas, Minnesota, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E155), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and north of a line beginning at the Virginia-Maryland State line and extending along Virginia Highway 619 to juction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction Virginia Highway 260, thence along Virginia Highway 260 to junction Virginia Highway 259, thence along Virginia Highway 259 to junction Virginia Highway 613, thence along Virginia Highway 613 to junction Virginia Highway 257, thence along Virginia Highway 257 to junction Virginia Highway 731, thence along Virginia Highway 731 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Virginia-West Virginia State line to points in Texas, Oklahoma, Arkansas, and those points in Kansas on and west of a line beginning at the Oklahoma-Kansas-Missouri State line, and extending along the

Kansas-Missouri State line to junction Kansas Highway 52, thence along Kansas Highway 52 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Kansas Highway 68, thence along Kansas Highway 68 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 15, thence along Kansas Highway 15 to junction Kansas Highway 28, thence along Kansas Highway 28 to junction Kansas Highway 148, thence along Kansas Highway 148 to junction Kansas Highway 14, thence along Kansas Highway 14 to the Kansas-Nebraska State line and those points in Minnesota on and north of a line beginning at the North Dakota-Minnesota State line near Climax, Minn., at U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Minnesota Highway 32, thence along Minnesota Highway 32 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction Minnesota Highway 89, thence along Minnesota Highway 89 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E156), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to point of beginning to those points in Texas, Oklahoma, and Kansas on and west of a line beginning at the United States-Mexico International Boundary line and extending along the Gulf of Mexico to Lavaca Bay, thence along Lavaca Bay to U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Texas-Oklahoma State line, thence along Interstate Highway 35 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction U.S. Highway 177, thence along U.S. Highway 177 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Oklahoma-Kansas State line, thence along U.S. Highway 77 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Missouri State line, thence along the Kansas-Missouri State line to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E157), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 21 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U. S. Highway 70, thence along U. S. Highway 70 to junction U. S. Highway 52, thence along U. S. Highway 52 to junction North Carolina Highway 73, thence along North Carolina Highway 73 to junction U. S. Highway 321, thence along U. S. Highway 321 to junction U. S. Highway 321A, thence along U. S. Highway 321A to junction U. S. Highway 321, thence along U. S. Highway 321 to junction U. S. Highway 421, thence along U. S. Highway 421 to the North Carolina-Tennessee State line, thence along the North Carolina-Tennessee State line to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to point of beginning, to points in Texas and Oklahoma on and west of a line beginning at the United States-Mexico International Boundary line at the Gulf of Mexico and extending along the Texas coast to Texas Highway 9, thence along Texas Highway 9 to junction U. S. Highway 281, thence along U. S. Highway 281 to junction U. S. Highway 87, thence along U. S. Highway 87 to junction U. S. Highway 290, thence along U. S. Highway 290 to junction Texas Highway 137, thence along Texas Highway 137 to junction U. S. Highway 385, thence along U. S. Highway 385 to the Texas-Oklahoma State line, thence along U. S. Highway 385 to the Oklahoma-Colorado State line and those points in Kansas west of a line beginning at the Kansas-Colorado State line and extending along U. S. Highway 160 to junction U. S. Highway 270, thence along U. S. Highway 270 to junction U. S. Highway 50, thence along U. S. Highway 50 to junction U. S. Highway 83, thence along U. S. Highway 83 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 23, thence along Kansas Highway 23 to junction U. S. Highway 24, thence along U. S. Highway 24 to junction U. S. Highway 283, thence along U. S. Highway 283 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateway of Martinsville and Pulaski, Va.

No. MC 61825 (Sub-No. E158), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 321 to junction North Carolina Highway 73, thence along North Carolina Highway 73 to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to the point of beginning to points in Minnesota and those points in Texas, on and west of a line beginning at the United States-Mexico International Boundary line and extending along Texas Highway 118 to junction Texas Highway 17, thence along Texas Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to Junction U.S. Highway 285, thence along U.S. Highway 285 to the Texas-New Mexico State line, points in Okaloham west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 385 to the Oklahoma-Colorado State line, points in Kansas north and west of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 56 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 14, thence along Kansas Highway 14 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateways of Pulaski and Martinsville, Va.

No. MC 61825 (Sub-No. E159), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at U.S. Highway 70 and extending along U.S. Highway 70 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to junction U.S. Highway 321A, thence along U.S. Highway 321A to point of beginning, to points in Texas on and west of a line beginning at the United States-Mexico International Boundary line and extending along the Val Verde-Terrell County line to junction U.S. Highway 90 thence along U.S. Highway 90 to junction Texas Highway 349, thence along Texas Highway 349 to junction Texas Highway 137, thence along Texas Highway 137 to junction U.S. Highway 385, thence along U.S. Highway 385 to the Texas-Oklahoma State line and points in Kansas on and west of a line beginning at the Kansas-Colorado State line at Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 27, thence along Kansas Highway 27 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Kansas Highway 161, thence along Kansas Highway 161 to the

Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateways of Pulaski and Martinsville, Va.

No. MC 61825 (Sub-No. E160), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the Tennessee-North Carolina State line and extending along U.S. Highway 19W to junction U.S. Highway 19E, thence along U.S. Highway 19E to junction North Carolina Highway 80, thence along North Carolina Highway 80 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 221, thence along U.S. Highway 221 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to U.S. Highway 70, thence along U.S. Highway 70 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to junction U.S. Highway 321A, thence along U.S. Highway 321A to junction U.S. Highway 321, thence along U.S. Highway 321 to the North Carolina-Tennessee State line, thence along the North Carolina-Tennessee State line to point of beginning to points in El Paso County, Tex. The purpose of this filing is to eliminate the gateways of Pulaski and Martinsville, Va.

No. MC 61825 (Sub-No. E161), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 52 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction North Carolina Highway 18, thence along North Carolina Highway 18 to junction North Carolina Highway 10, thence along North Carolina Highway 10 to junction North Carolina Highway 127, thence along North Carolina Highway 127 to junction U.S. Highway 321A, thence along U.S. Highway 321A to junction U.S. Highway 321, thence along U.S. Highway 321 to junction U.S. Highway 421, thence along U.S. Highway 421 to the North Carolina-Tennessee State line, thence along the North Carolina-Tennessee State line to the North Carolina-Virginia State line, thence along the Virginia-North Carolina State line to the point of beginning to points in Minnesota. The purpose of this filing is to eliminate the gateways of Pulaski and Martinsville, Va.

No. MC 61825 (Sub-No. E162), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the North Carolina-South Carolina State line at North Carolina Highway 18 and extending along North Carolina Highway 10, thence along North Carolina Highway 10 to junction North Carolina Highway 127, thence along North Carolina Highway 127 to junction U.S. Highway 321A, thence along U.S. Highway 321A to junction U.S. Highway 321, thence along U.S. Highway 321 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 221, thence along U.S. Highway 221 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to point of beginning to points in Minnesota on and north of a line beginning at the Minnesota-Wisconsin State line and extending along Minnesota Highway 36 to junction Minnesota Highway 212, thence along Minnesota Highway 212 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Minnesota State line, thence along the Iowa-Minnesota State line, to the Minnesota-South Dakota State line. The purpose of this filing is to eliminate the gateways of Pulaski and Martinsville, Va.

No. MC 61825 (Sub-No. E163), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 421 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction North Carolina Highway 80, thence along North Carolina Highway 80 to junction U.S. Highway 19E, thence along U.S. Highway 19E to junction U.S. Highway 19W, thence along U.S. Highway 19W to the Tennessee-North Carolina State line, thence along the Tennessee-North Carolina State line to point of beginning, to points in Minnesota on and north of a line beginning at the North Dakota-Minnesota State line extending along U.S. Highway 75 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of Martinsville and Pulaski, Va.

No. MC 61825 (Sub-No. E164), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and west of a line begining at the Virginia-West Virginia State line extending along U.S. Highway 460 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 89, thence along Virginia Highway 89 to the Virginia-North Carolina State line to points in Minnesota on and west of a line beginning at the Minnesota-North Dakota State line at U.S. Highway 2 and extending along Minnesota Highway 220, thence along Minnesota Highway 220 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Minnesota Highway 11, thence along Minnesota Highway 11 to junction Minnesota Highway 310, thence along Minnesota Highway 310 to the United States-Canada International Boundary line, and points in Texas on and west of a line beginning at Port Lavaca, near West Matagorda Bay and extending along U.S. Highway 87 to junction Texas Highway 208, thence along Texas Highway 208 to junction Texas Highway 70, thence along Texas Highway 70 to junction Texas Highway 836, thence along Texas Highway 836 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E165), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on and east of a line beginning on Lake Erie and extending along U.S. Highway 250 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 61, thence along Ohio Highway 61 to junction Ohio Highway 39, thence along Ohio Highway

39 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 586, thence along Ohio Highway 586 to junction Ohio Highway 146, thence along Ohio Highway 146 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 555, thence along Ohio Highway 555 to the Ohio River to points in Virginia on, east, and south of a line beginning on the North Carolina-Virginia State line near Stuart, Va., thence along Virginia Highway 8 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction Virginia Highway 623, thence along Virginia Highway 623 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 668, thence along Virginia Highway 668 to junction Virginia Highway 603, thence along Virginia Highway 603 to junction Virginia Highway 746, thence along Virginia Highway 746 to junction Virginia Highway 92, thence along Virginia Highway 92 to junction Virginia Highway 47, thence along Virginia Highway 47 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 659, thence along Virginia Highway 659 to junction Virginia Highway 611, thence along Virginia Highway 611 to junction Virginia Highway 46, thence along Virginia Highway 46 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E166), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio, east and north of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 15 to junction Ohio Highway 115, thence along Ohio Highway 115 to junction Ohio Highway 65, thence along Ohio Highway 65 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Interstate Highway 270, thence along Interstate Highway 270 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Ohio River and points located south and west of a line beginning at Lake Erie and extending along U.S. Highway 250 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 61, thence along Ohio Highway 61 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 586, thence along Ohio Highway 586 to junction Ohio Highway 146, thence along Ohio Highway 146 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 555, thence along Ohio Highway 555 to the Ohio River, to points in Virginia located on, east, and south of a line beginning at the North Carolina-Virginia State line and extending along Virginia Highway 8 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction Virginia Highway 623, thence along Virginia Highway 623 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 24, thence along Virginia Highway 24 to junction Virginia Highway 615, thence along Virginia Highway 615 to junction Virginia Highway 47, thence along Virginia Highway 47 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 35, thence along Virginia Highway 35 to junction Virginia Highway 58, thence along Virginia Highway 58 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E167), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio bounded by a line beginning on the Kentucky-Ohio State line and extending along U.S. Highway 42 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Interstate Highway 270, thence along Interstate Highway 270 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Ohio River, thence along the Ohio River to point of beginning, to points in Virginia located on, east, and south of a line beginning on the North Carolina-Virginia State line, thence along Virginia Highway 8 to junction U.S. Highway 58, thence along Virginia Highway 58 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction Virginia Highway 623, thence along Virginia Highway 623 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 24, thence along Virginia Highway 24 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction Virginia Highway 33, thence along Virginia Highway 33 to the Chesapeake Bay, thence across the Chesapeake Bay to Pungoteague, Va., thence along Virginia Highway 180 to Wachapreague, Va., thence through the Wachapreague Inlet to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E168), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on and west of a line beginning on the Indiana-Ohio State line near Edon, Ohio, thence along Ohio Highway 34 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction Ohio Highway 115, thence along Ohio Highway 115 to junction Ohio Highway 65, thence along Ohio Highway 68 to junction U.S. Highway 42, thence along U.S. Highway 33 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 42, thence along U.S. Highway 42 to the Ohio-Kentucky State line to points in Virginia on, east, and south of a line beginning at the North Carolina-Virginia State line and extending along Virginia Highway 773 to junction Virginia Highway 614, thence along Virginia Highway 614 to the Blue Ridge Parkway, thence along the Blue Ridge Parkway to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction Virginia Highway 33, thence along Virginia Highway 33 to the Chesapeake Bay, thence across the Chesapeake Bay to Pungoteague, Va., thence along Virginia Highway 180 to Wachapreague, Va., thence through the Wachapreague Inlet to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E169), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on and east of a line beginning at Lake Erie and extending along the Cuyahoga River to Interstate Highway 90, thence along Interstate Highway 90 to junction Ohio Highway 14, thence along Ohio Highway 14 to junction Interstate Highway 480, thence along Interstate Highway 480 to junction Ohio Highway 14, thence along Ohio Highway 14 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction Ohio Highway 173, thence along Ohio Highway 173 to Westville, Ohio, thence along unnumbered highway to East Rochester, Ohio, thence along U.S. Highway 30 to junction Ohio Highway 644, thence along Ohio Highway 644 to junction Ohio Highway 164, thence along Ohio Highway 164 to junction Ohio Highway 43, thence along Ohio Highway 43 to junction Ohio Highway 152, thence along Ohio Highway 152 to junction Ohio Highway 150, thence along Ohio High-

way 150 to junction Ohio Highway 647, thence along Ohio Highway 647 to the Ohio River to points in North Carolina on, east, and south of a line beginning on the South Carolina-North Carolina State line and extending along the Jackson-Transylvania County line to the Blue Ridge Parkway, thence along the Blue Ridge Parkway to junction North Carolina Highway 151, thence along North Carolina Highway 151 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to junction North Carolina Highway 268, thence along North Carolina Highway 268 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction North Carolina Highway 103, thence along North Carolina Highway 103 to the North Carolina-Virginia State line and points located on, south, and west of a line beginning on the Virginia-North Carolina State line near Roanoke Rapids, N.C., thence along North Carolina Highway 46 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction North Carolina Highway 305, thence along North Carolina Highway 305 to junction U.S. Highway 13, thence along U.S. Highway 13 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 264, thence along U.S. Highway 264 to Swan Quarter, N.C., thence across Swan Quarter Bay and Pamlico Sound to the Ocracoke Inlet, thence to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E170), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in West Virginia, on the one hand, and, on the other, points in Arizona, California, Nevada, Oregon, and Washington on and west of a line beginning at the Mexico-United States International Boundary line and extending along U.S. Highway 80, thence along U.S. Highway 80 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction Arizona Highway 69, thence along Arizona Highway 69 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction the Arizona-Nevada State line, thence along U.S. Highway 93 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Alternate Highway 95, thence along U.S. Alternate Highway 95 to junction Nevada Highway 34, thence along Nevada Highway 34 to junction Nevada Highway 8A, thence along Nevada Highway 8A to junction Nevada Highway 140, thence along Nevada Highway 140 to the Nevada-Oregon State line, thence along Oregon Highway 140 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction U.S. Highway 197, thence along U.S. Highway 197 to the Oregon-Washington State line, thence along U.S. Highway 197 to junction Washington Highway 14, thence along Washington Highway 14 to the Klickitat River, thence along the Klickitat River to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Washington Highway 123, thence along Washington Highway 123 to junction Washington Highway 410, thence along Washington Highway 410 to junction Washington Highway 169, thence along Washington Highway 169 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Canadian-United States International Boundary line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E171), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in West Virginia on and east of a line beginning at the Virginia-West Virginia State line at U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 219, thence along U.S. Highway 219 to the West Virginia-Maryland State line, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming on and west of a line beginning at the United States-Mexico International Boundary line and extending along the New Mexico-Texas State line to U.S. Highway 66, thence along U.S. Highway 66 to junction New Mexico Highway 39, thence along New Mexico Highway 39 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 85, thence along U.S. Highway 85 to the New Mexico-Colorado State line, thence along U.S. Highway 85 to junction Colorado Highway 69, thence along Colorado Highway 69 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction Colorado Highway 9, thence along Colorado Highway 9 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Colorado-Utah State line, thence along U.S. Highway 40 to junction Utah Highway 44, thence along Utah Highway 44 to junction Utah Highway 43.

Thence along Utah Highway 43 to the Utah-Wyoming State line, thence along Wyoming Highway 414 to junction Wyoming Highway 410, thence along Wyoming Highway 410 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 189, thence along U.S. Highway 189 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Idaho-Wyoming State line, thence along U.S. Highway 26 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Montana State line, thence along U.S. Highway 191 to junction Montana Highway 293, thence along Montana Highway 293 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. 91, thence along U.S. Highway 91 to the United States-Canadian International Boundary line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E172), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in West Virginia bounded by a line beginning at the Pennsylvania-West Virginia State line at West Virginia Highway 69 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction West Virginia Highway 18, thence along West Virginia Highway 18 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-West Virginia State line, thence along the Kentucky-West Virginia State line to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 219, thence along U.S. Highway 219 to the West Virginia-Maryland State line, thence along the West Virginia-Maryland State line to the West Virginia-Pennsylvania State line, thence along the West Virginia-Pennsylvania State line to the point of beginning, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington, on and west of a line beginning at the New Mexico-Texas State line at U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 54.

Thence along U.S. Highway 54 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction New Mexico Highway 32, thence along New Mexico Highway 32 to junction U.S. Highway 666, thence along U.S. Highway 666 to the Colorado-New Mexico State line, thence along U.S. Highway 666 to the Colorado-Utah State line, thence along U.S. Highway 666 to junction U.S. Highway 163, thence along U.S. Highway 163 to junction Utah Highway 95, thence along Utah Highway 95 to junction Utah Highway 24, thence along Utah Highway 24 to junction Utah Highway 119, thence along Utah Highway 119 to junction U.S.

Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Idaho State line, thence along U.S. Highway 91 to the Idaho-Montana State line, thence along U.S. Highway 91 to the United States-Canadian International Boundary line. The purpose of this filing is to eliminate the gateway of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E173), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in West Virginia on, east and south of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Virginia-West Virginia State line, on the one hand, and, on the other, points in Texas and Oklahoma on, west and south of a line beginning at the Gulf of Mexico and extending along U.S. Highway 69 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Texas-Oklahoma State line, thence along Interstate Highway 35 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Oklahoma Highway 325, thence along Oklahoma Highway 325 to the Oklahoma-New Mexico State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E174), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in West Virginia on, north and east of a line beginning at the West Virginia-Pennsylvania State line at U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in Arkansas, Oklahoma and Texas on, west and south of a line beginning at the Louisiana-Texas State line at the Gulf of Mexico and extending along the Louisiana-Texas State line to the Louisiana-Arkansas State line, thence along the Louisiana-Arkansas State line to the Arkansas-Mississippi State line, thence along the U.S. Highway 82 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction Arkansas Highway 24, thence along Arkansas Highway 24 to the Arkansas-Oklahoma State line, thence along U.S. Highway 70 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Oklahoma-Texas State line, thence along Interstate Highway 40 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E175), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming to points in Maryland on and east of a line beginning at the Maryland-Delaware State line at the Interstate Highway 95, thence along Interstatae Highway 95 to junction Interstate Highway 495, thence along Interstate Highway 495 to junction Maryland Highway 193, thence along Maryland Highway 193 to junction Maryland Highway 586, thence along Maryland Highway 586 to junction Maryland Highway 28, thence along Maryland Highway 28 to junction Maryland Highway 107, thence along Maryland Highway 107 to the Maryland-Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E176), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between the District of Columbia, on the one hand, and, on the other, points in Arkansas, Kansas, Minnesota, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E177), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and bounded by a line beginning at the Virginia-West Virginia State line at Virginia Highway 311 and extending along Virginia Highway 311 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 208, thence along Virginia Highway 208 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Potomac Creek, thence along the Potomac Creek to the Potomac River, thence along the Potomac River to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to the point of beginning to points in North Carolina on and bounded by a line beginning at the Virginia-North Carolina State line at North Carolina Highway 8 and extending along North Carolina Highway 8 to junction North Carolina Highway 704, thence along North Carolina Highway 704 to junction North Carolina Highway 89, thence along North Carolina Highway 89 to junction North Carolina Highway 66, thence along North Carolina Highway 66 to junction North Carolina Highway 268, thence along North Carolina Highway 268 to junction North Carolina Highway 18.

Thence along North Carolina Highway 18 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 441, thence along U.S. Highway 441 to the Tennessee-North Carolina State line, thence along the Tennessee-North Carolina State line to the Georgia-North Carolina State line, thence along the Georgia-North Carolina State line to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to North Carolina Highway 177, thence along North Carolina Highway 177 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to the point of beginning. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E178), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and east of a line beginning at the West Virginia-Virginia State line at U.S. Highway 33 and extending along U.S. Highway 33 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 29, thence along U.S. Highway 29 to the North Carolina-Virginia State line to points in North Carolina on and west of a line beginning at the Virginia-North Carolina State line at U.S. Highway 52 and extending along U.S. Highway 52 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 21, thence along U.S. Highway 21 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E179), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and west of a line beginning at the Virginia-West Virginia State line at Virginia Highway 311 and extending along Virginia Highway 311 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line, to points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line, to points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line at North Carolina Highway 86 and extending along North Carolina Highway 86 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E180), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line at Virginia Highway 311 and extending along Virginia Highway 311 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 419, thence along Virginia Highway 419 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 208, thence along Virginia Highway 208 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Virginia Highway 630, thence along Virginia Highway 630 to the Potomac River, thence along the Potomac River to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to the point of beginning and Henry County, Va., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E181), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. BOX 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and bounded by a line beginning at the North Carolina-Virginia State line at U.S. Highway 220 and extending along U.S. Highway 220 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Virginia Highway 6, thence along Virginia Highway 6 to junction Virginia Highway 45, thence alon Virginia Hihway 45 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 47, thence along Virginia Highway 41 to junction Virginia Highway 615, thence along Virginia Highway 615 to junction Virginia Highway 600, thence along Virginia Highway 600 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to the point of beginning, to points in South Carolina on, south, and west of a line beginning at the North Carolina-South Carolina State line at U.S. Highway 601 and extending along U.S. Highway 601 to junction South Carolina Highway 151, thence along South Carolina Highway 151 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 501, thence along US. Highway 501 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E182), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and east of a line beginning at the Potomac River and extending along Virginia Highway 630 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Virginia Highway 208, thence along Virginia Highway 208 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Virginia Highway 6, thence along Virginia Highway 6 to junction Virginia Highway 45, thence along Virginia Highway 45 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 47, thence along Virginia Highway 47 to junction Virginia Highway 615, thence along Virginia Highway 615 to junction Virginia Highway 600, thence along Virginia Highway 600 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Virginia-North Carolina State line, to points in South Carolina on and west of a line beginning on the North Carolina-South Carolina State line at U.S. Highway 601 and extending along U.S. Highway 601 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E183), filed May 13, 1974. Applicant; ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and bounded by a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 311 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 419, thence along Virginia Highway 419 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to junction Virginia Highway 89, thence along Virginia Highway 89 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 94, thence along Virginia Highway 94 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to the point of beginning, to points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line at U.S. Highway 52 and extending along U.S. Highway 52 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Alternate Highway 17, thence along U.S. Alternate Highway 17 to junction U.S. Highway 17, thence along U.S. Highway 17 to the South Carolina-Georgia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E184), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Virginia on and east of a line beginning at the Virginia-West Virginia State line at U.S. Highway 250 and extending along U.S. Highway 250 to junction Virginia Highway 151, thence along Virginia Highway 151 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 668, thence along Virginia Highway 668 to junction Virginia Highway 603, thence along Virginia Highway 603 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E197), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as

above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Wisconsin on, north, and west of a line beginning on the Illinois-Wisconsin State line and extending along Wisconsin Highway 120 to junction Wisconsin Highway 36, thence along Wisconsin Highway 36 to junction Wisconsin Highway 100, thence along Wisconsin Highway 100 to Lake Michigan to points in South Carolina on and east of a line beginning at the Atlantic Ocean and extending along South Carolina Highway 174 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 165, thence along South Carolina Highway 165 to junction South Carolina Highway 61, thence along South Carolina Highway 61 to junction South Carolina Highway 27, thence along South Carolina Highway 27 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 521, thence along U.S. Highway 521 to junction U.S. Highway 601, thence along U.S. Highway 601 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E198), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Wisconsin on and north of a line beginning at the Iowa-Wisconsin State line and extending along the Wisconsin River to Wisconsin Highway 33, thence along Wisconsin Highway 33 to junction Wisconsin Highway 68, thence along Wisconsin Highway 68 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan to points in South Carolina on and east of a line beginning on the Atlantic Ocean and extending along U.S. Highway 278 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction South Carolina Highway 210, thence along South Carolina Highway 210 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction South Carolina Highway 34, thence along South Carolina Highway 34 to junction U.S. Highway 321, thence along U.S. Highway 321 to the South Carolina-North Carolina State line and west of a line beginning on the Atlantic Ocean and extending along South Carolina Highway 174 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 165, thence along South Carolina Highway 165 to junction South Carolina Highway 61, thence along South Carolina Highway 61 to junction South Carolina Highway 27, thence along South Carolina Highway 27 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 521, thence along U.S. Highway 521 to junction U.S. Highway 601, thence along U.S. Highway 601 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E199), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Wisconsin on, north, and west of a line beginning at the Illinois-Wisconsin State line extending along Wisconsin Highway 120 to junction Wisconsin Highway 36, thence along Wisconsin Highway 36 to junction Wisconsin Highway 100, thence along Wisconsin Highway 100 to Lake Michigan to points in North Carolina on and east of a line beginning on the South Carolina-North Carolina State line and extending along U.S. Highway 601 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction North Carolina Highway 109, thence along North Carolina Highway 109 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 311, thence along U.S. Highway 311 to junction North Carolina Highway 68, thence along North Carolina Highway 68 to junction U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E200), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Wisconsin on, north, and west of a line beginning at the Iowa-Wisconsin State line and extending along Wisconsin Highway 82 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Menominee River, thence along the Menominee River to Green Bay to points in North Carolina on and east of a line beginning on the South Carolina-North Carolina State line extending along U.S. Highway 321 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Carolina-Virginia State line west of a line beginning on the South Carolina-North Carolina State line and extending along U.S. Highway 601 to junction Wisconsin Highway 49, thence along Wisconsin Highway 49 to junction Wisconsin Highway 109, thence along Wisconsin Highway 109 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 311, thence along U.S. Highway 311 to junction Wisconsin Highway 68, thence along Wisconsin Highway 68 to junction U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E217), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Louisiana on and north of a line beginning at the Mississippi-Louisiana State line and extending west along U.S. Highway 84 to junction Louisiana Highway 28, thence southwest along Louisiana Highway 28 to junction Louisiana Highway 8, thence southwest along Louisiana Highway 8 to the Louisiana-Tennessee State line to points in Delaware, District of Columbia, Maryland, New Jersey, and those points in New York, Pennsylvania, and West Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending north along Interstate Highway 77 to junction West Virginia Highway 20, thence north along West Virginia Highway 20 to junction U.S. Highway 119, thence north along U.S. Highway 119 to junction Pennsylvania Highway 36, thence north along Pennsylvania Highway 36 to junction Pennsylvania Highway 968, thence north along Pennsylvania Highway 968 to junction Pennsylvania Highway 949, thence northeast along Pennsylvania Highway 949 to junction U.S. Highway 219, thence north along U.S. Highway 219 to junction New York Highway 98, thence northeast along New York Highway 98 to junction New York Highway 39, thence northeast along New York Highway 39 to junction U.S. Highway 20, thence east along U.S. Highway 20 to junction U.S. Highway 15, thence north along U.S. Highway 15 to Rochester, New York, and thence north along the Genesee River to Lake Ontario. The purpose of this filing is to eliminate the gateways of points in Smyth County and Martinsville, Va.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-27714 Filed 10-14-75;8:45 am]

federal register

WEDNESDAY, OCTOBER 15, 1975

PART II:

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration

■

PRIVACY ACT OF 1974

Systems of Records

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

(DOCKET NO. 75N-0211)

PRIVACY ACT OF 1974

AMENDMENT TO NOTICE OF SYSTEMS OF RECORDS

The Commissioner of Food and Drugs is amending the Notice of Systems of Records of the Food and Drug Administration, published in the FEDERAL REGISTER of August 27, 1975 (40 FR 39073), to include two additional systems of records not described in that notice: Employee Conduct Investigative Records (FDA-13) and Service Contractor Employee Investigative Records (FDA-14). Public comment is invited on the routine uses of records in these systems.

The FDA systems that are the subject of this notice have been proposed to be exempted from certain requirements of the Privacy Act because they include investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes, or compiled solely to determine suitability, eligibility or qualification for Federal civilian employment, military service, Federal contracts, and access to classified information. The exemption was proposed as Sec. 7.61(b)(3) of FDA's proposed regulations to implement the Privacy Act (21 CFR 7.61(b)(3)), published in the FEDERAL REGISTER of August 27, 1975 (40 FR 39388). The proposed exemption referred to the records in the two systems in this notice as "Employee, consultant, and contractor security and investigative records that are the subject of a Department notice, to the extent that these files are maintained by the Food and Drug Administration." The final FDA regulations will substitute the two names given in this notice for the records in question, distinguishing contractor records from those dealing with regular and special government employees. White the FDA record systems that are the subject of this notice are related to record systems that are the subject of notice by staff offices of the Office of the Secretary, Department of Health, Education, and Welfare, also published in the FEDERAL REGISTER of August 27, 1975 (40 FR 38391), it has been determined that FDA needs to publish notice of the FDA records since they are not described adequately in the Office of the Secretary notice.

Interested persons may, on or before (insert date 30 days after date of publication in the FEDERAL REGISTER), submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this notice. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 8, 1975.

William F. Randolph
Acting Associate Commissioner for Compliance

Privacy Act Record Systems maintained by the Food and Drug Administration.

13. Employee Conduct Investigative Records.
14. Service Contractor Employee Investigative Records.

FDA-13

System name: Employee Conduct Investigative Records—HEW/FDA.

System location: Policy Management Staff, Associate Commissioner for Administration (HFA-20), Rm. 10-90, 5600 Fishers Lane, Rockville, MD 20852.

Categories of individuals covered by the system: Employees or former employees, or special Government employees of FDA who are alleged to have violated FDA or Departmental regulations and/or Federal statutes.

Categories of records in the system: This system includes records relating to correspondence concerning an individual's employment status or conduct while employed by FDA. Examples of these records include: Correspondence from employees, Members of Congress, and members of the public alleging misconduct by an official of FDA. It also contains reports of investigation to resolve allegation of misconduct or violation of statute, with related exhibits of statements, affidavits, or records obtained during the investigation; reports of action taken by management deciding action on any misconduct substantiated by the investigation; and reports of legal action resulting from violations of statutes referred for prosecution.

Authority for maintenance of the system: 5 U.S.C. 301; 18 U.S.C. 201, 203, 205, 207, 208, 209, 1905; 21 U.S.C. 331; 28 U.S.C. 535(b); 44 U.S.C. 3101; Executive Order 10450 and 11222; 45 CFR Part 73.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to the Department of Justice or State or local law enforcement agencies, in connection with a violation or potential violation of law, and in connection with requests for legal advice. Disclosure may be made during administrative or judicial proceedings. Disclosure may be made to other Government agencies, i.e., General Services Administration, Civil Service Commission, Consumer Product Safety Commission, Securities and Exchange Commission, Department of Treasury, etc., as necessary to report apparent violations of law. Disclosure may be made to authorized investigative offices of other Federal and State agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or suspected violation of the law.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, folders, and in file cabinets.

Retrievability: Alphabetical by name. Used within FDA for providing management with information needed to take action on complaints or alleged violations. May be referred to the Office of Investigations and Security, Office of the Secretary, Department of Health, Education, and Welfare, and disclosures may be made by that office.

Safeguards: Records are maintained in locked file cabinets within a locked file room or in a safe within a secured area.

Retention and disposal: Records are retained until death of subject individual.

System manager(s) and address: Director, Policy Management Staff, Associate Commissioner for Administration (HFA-20), Rm. 10-90, 5600 Fishers Lane, Rockville, MD 20852.

Notification procedure: FDA Privacy Coordinator (HF-50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Record access procedures: Same as notification procedure (some material is exempt from access and contest).

Contesting record procedures: Same as notification procedure (some material is exempt from access and contest).

Record source categories: Information in this system of records is obtained from FDA personnel and records, subects of investigations, complaints, witnesses, other Federal agencies, State and local agencies, and personal observation by the investigator.

Systems exempted from certain provisions of the act: This system is exempt from access and contest and certain other provisions of the Privacy Act (5 U.S.C. 552a(c)(3), (d)(1) to (4), (e)(3), (e)(4)(G) to (H), and (f)) to the extent that it includes investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes, or investigatory material that would reveal confidential sources compiled solely for the purpose of determining suitability, eligibility, or qualification for Federal civilian employment, military service, Federal contracts, or access to classified information.

FDA-14

System name: Service Contractor Employee Investigative Records.

System location: Policy Management Staff, Associate Commissioner for Administration (HFA-20), Rm. 10-90, 5600 Fishers Lane, Rockville, MD 20852.

Categories of individuals covered by the system: Employees of service contractors who must have access to FDA secured areas or FDA file material; employees of contractors who provide janitorial, guard, and maintenance services for FDA facilities.

Categories of records in the system: This system includes records of pre-employment checks of individuals who will have access to FDA facilities during security hours and correspondence concerning an individual's employment status or conduct while having such access. Examples of such correspondence include Reports of Investigations to resolve allegations of misconduct or of violations of law, with related exhibits of statements, affidavits or records obtained during the investigation; reports of action taken by manage-

ment deciding action on any misconduct substantiated by the investigation; and reports of legal action resulting from violations of statutes referred for prosecution.

Authority for maintenance of the system: 5 U.S.C. 301; 18 U.S.C. 1905; 21 U.S.C. 331; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure of these records may be made to the contractors. Disclosure may be made to the Department of Justice or State or local law enforcement agencies, in connection with actual or potential violation of law, and in connection with requests for legal advice. Disclosure may be made during administrative or judicial proceedings. Disclosure may be made to other agencies, i.e., General Services Administration, Civil Service Commission, Consumer Product Safety Commission, Securities And Exchange Commission, Department of Treasury, etc., as necessary to report apparent violations of law. Disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or suspected violation of the law.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, folders, and in file cabinets.

Retrievability: Alphabetical by name. Used by the Food and Drug Administration to determine if the employees of service contractors shall have access to FDA facilities. Used within FDA for providing management with information to take action on complaints or alleged violations. May be referred to the Office of Investigations and Security, Office of the Secretary, Department of Health, Education, and Welfare, and disclosures may be made by that office.

Safeguards: Records are maintained in locked file cabinets within a locked file room or in a safe within a secured area.

Retention and disposal: Records are retained until death of subject individual.

System manager(s) and address: Director, Policy Management Staff, Associate Commissioner for Administration (HFA-20), Rm. 10-90, 5600 Fishers Lane, Rockville, MD 20852.

Notification procedure: FDA Privacy Coordinator (HF-50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Record access procedures: Same as notification procedure (some material is exempt from access and contest).

Contesting record procedures: Same as notification procedure (some material is exempt from access and contest).

Record source categories: Information in this system of records is obtained from industrial, employment and police records, subjects of investigations, complaints, witnesses, other Federal agencies, State and local agencies, and personal observation by the investigator.

Systems exempted from certain provisions of the act: This system is exempt from access and contest and certain other provisions of the Privacy Act (5 U.S.C. 552a(c)(3), (d)(1) to (4), (e)(3), (e)(4)(G) to (H), and (f)) to the extent that it includes investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes, or investigatory material that would reveal confidential sources compiled solely for the purpose of determining suitability, eligibility, or qualification for Federal civilian employment, military service, Federal contracts, or access to classified information.

[FR Doc.75-27639 Filed 10-9-75;12:01 pm]

federal register

WEDNESDAY, OCTOBER 15, 1975

PART III:

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Coast Guard

Materials Transportation Bureau

■

TRANSPORTATION OF HAZARDOUS MATERIALS

Exemption Procedures

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-127]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Revocation of Authority to Deviate

For the reasons set forth in a document establishing new procedures governing exemptions from the Department of Transportation's regulations pertaining to the transportation of hazardous materials appearing elsewhere in this Part III of the FEDERAL REGISTER, 14 CFR 103.5 is revoked effective October 16, 1975.

(49 U.S.C. 1421(c), 49 CFR 1.53(h)).

Issued in Washington, D.C., on October 10, 1975.

JAMES T. CURTIS, Jr.,
Director,
Materials Transportation Bureau.

[FR Doc.75-27804 Filed 10-14-75;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER N—DANGEROUS ARTICLES

[Docket No. HM-127]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Exemption Procedures

For the reasons set forth in a document establishing new procedures governing exemptions from the Department of Transportation's regulations pertaining to the transportation of hazardous materials appearing elsewhere in this Part III of the FEDERAL REGISTER, 46 CFR 146.02-25 is amended as follows effective October 16, 1975:

§ 146.02-25 [Amended]

1. Paragraph (a) is amended by adding the words "Except as provided in paragraph (f) of this section," at the beginning thereof.

2. Paragraph (d) is amended by adding the words "Except as provided in paragraph (f) of this section," at the beginning thereof.

3. By adding a new paragraph at the end thereof to read as follows:

(f) Petitions for exemptions or any other form of administrative relief from any requirement of this Part 146 shall be prepared and submitted to the Director, Office of Hazardous Materials Operations, in accordance with 49 CFR Part 107, Subpart B.

(46 U.S.C. 170(11), 49 CFR 1.53(f)).

Issued in Washington, D.C., on October 10, 1975.

JAMES T. CURTIS, JR.,
Director,
Materials Transportation Bureau.

[FR Doc.75-27805 Filed 10-14-75;8:45 am]

Title 49—Transportation

SUBTITLE B—OTHER REGULATIONS RELATING TO TRANSPORTATION

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-127]

HAZARDOUS MATERIALS TRANSPORTATION

Establishment of Exemption Procedures

On August 4, 1975, the Office of Hazardous Materials Operations published in the FEDERAL REGISTER (49 CFR 32758) a notice of proposed rule making in which it proposed a new set of procedures to be followed in applying for and in the processing of requests for exemptions from the Department of Transportation's regulations governing the transportation of hazardous materials. These procedures would implement the statutory requirements of section 107 of the Hazardous Materials Transportation Act (Title I of Pub. L. 93-633).

As provided in that notice of proposed rule making, interested persons were given until the close of business on September 12, 1975, to submit comments and a public hearing was held in Washington, D.C., on August 26, 1975. In response to the considerable interest expressed by persons shipping and transporting hazardous materials via aircraft in or to Alaska, a second public hearing was scheduled for Anchorage (40 FR 37247, August 26, 1975) and held there on September 2, 1975. The Materials Transportation Bureau has given due consideration to the comments received and has adopted the proposal with the modifications set forth below.

GENERAL ARRANGEMENT

As proposed the exemption procedures would have been Subpart A of Part 107. The Bureau has decided to move them to Subpart B and use Subpart A for general procedural provisions applicable to the hazardous materials program. A section on definitions and one covering request for confidential treatment of documents are included in this rule making. Other general procedural provisions will be added to Subpart A as they are developed. For the convenience of those who may wish to make a direct comparison between the proposed provisions and the final provisions, a table of comparative section numbers is set forth below:

Proposed §	*Final §*
107.1	107.101.
107.3	107.101.
107.5	107.103, 107.105, and 107.113.
107.7	107.107.
107.9	107.115.
107.11	107.109.
107.13	107.117.
107.15	107.119.
107.17	107.123.

PROCESSING PROCEDURES

Several comments addressed the proposed provision that would have allowed any interested person to meet informally with a Bureau official to discuss an exemption application or the action taken on an application. For the most part those comments expressed concern that this would allow the presentation of adverse information and arguments without opportunity for rebuttal. Some of the comments went on to suggest remedial safeguards, which tend to be formal, adversary and time-consuming.

The Bureau shares the concern expressed in those comments. It was this concern that accounts for the requirement in the proposed regulations which would have required a memorandum of all such meetings to be placed in the public docket. After reflecting on the comments, the Bureau is less than convinced as to the adequacy of the memorandum to docket provision.

For these reasons and in light of the opportunity being provided for interested persons to present their views on individual exemption applications through the public procedure process being implemented, the Bureau has decided not to adopt the proposed informal meeting provision. All comments received by the Bureau regarding an application will be available in the docket to other interested persons who comment, the applicant or any other person for such rebuttal as any of them may desire to submit.

Recommendations asking that all interested persons who comment on an application be required to serve copies of their comments on the applicant and those suggesting that the regulations should prescribe the form and style of comments are rejected as totally inconsistent with the statutory requirements governing the opportunity that must be offered the public for expressing their views informally on each application. As noted in § 107.123, the applicant or any other member of the public may obtain copies of any docketed document.

Several comments suggested that the regulations should set the public comment period on applications at 30 days. While the Bureau feels that 30 days will probably be the appropriate comment period for many, if not most, applications, it does not believe that the flexibility allowed by statute in this regard should be negated by a rigid regulation.

In finalizing these procedures, the Bureau is transferring into Appendix B the standard conditions previously made applicable to special permits by 49 CFR 171.6 where they will be applicable to all exemptions to be issued under these new procedures. Based on the recommendations of several commentors, it has also included in Appendix B and is making applicable to all future exemptions for carriage of hazardous materials by aircraft, a restatement of the standard terms previously contained in 14 CFR 103.5.

The proposed provision stating that the Director, OHMO, in acting on an application "may initiate rule making * * * in addition to or in lieu of granting or denying the application" drew divers comments. Suggestions were made that the words "or in lieu of" should be dropped; that exemptions should automatically become regulations after two years or after having been once renewed; and that all existing exemptions as well

as applications should be reviewed with a view to rule making. The Bureau appreciates the need for codifying into permanent regulations those exemption-tested concepts proven to be safe. (See Docket HM-128, 40 FR 45197, October 1, 1975.) It feels, however, that this objective is not to be achieved by prescribing a regulation commanding it to occur. Rather, its attainment is a function of administrative effort and realistic, properly balanced procedures. For these reasons, the Bureau is adopting this provision as proposed.

PROCESSING TIME

Comments from a number of holders of special permits and existing exemptions and from others who are potential future applicants for exemptions contested the proposed provision which would have required all applications (except those seeking priority treatment on the basis of an existing emergency) and all applications for renewals to be submitted at least 120 days before the requested effective date or expiration date. Those comments suggested shortening the period to 45, 60, 75, 80, or 90 days. In a related comment it was recommended that should the Bureau adopt the mandatory 120-day advance filing date, it should also allow for priority processing of an application which may not qualify as an emergency but for which there are compelling reasons for expedited handling after the public comment period has closed.

As discussed elsewhere in this preamble, a new section has been added governing all emergency exemptions. Also, as discussed elsewhere, the mandatory lead time of 120 days for renewal applications has been reduced to 60 days. With respect to original applications, the Bureau feels that, as a general proposition, it must have the 120-day period available to conduct the statutorily required public proceedings and to evaluate the application, its safety analysis and the public comments thereon. This is not to say that the Bureau is going to consume the full 120 days in the processing of each application. Each will be processed as expeditiously as practicable.

In view of these comments and considerations, § 107.103(b)(10) and (c) pertaining to non-emergency, original applications have been changed so as to provide the following. The provision dealing with the 120-day advance filing date has been modified from mandatory to advisory by changing the word "must" to "should". A provision has been added stating that applications are processed in the order received unless the Director, OHMO, is persuaded by information the applicant may submit in his application that priority processing is called for after the public proceeding on the application is completed.

Several comments asserted that the proposed provision stating that the administrative review of applications for completeness and conformity would be made within 30 days after its receipt should be changed by reducing that period or making it run concurrently with the public comment period.

As discussed elsewhere, the period has been reduced to 15 days for renewal applications. With respect to original applications, as in the case of the total 120-day processing period, the Bureau feels that this 30-day period must be available when the volume of new applications, complexity of particular applications and similar administrative considerations so require. Although the Bureau is adopting the 30-day figure as proposed, it should be noted that § 107.107 does not state that the Bureau is going to hold each application for 30 days before publishing the required Federal Register notice. That notice will be filed with the Federal Register for publication as quickly as the Bureau is satisfied that an application is complete and in conformity with the requirements of § 107.103(b). It is anticipated that, generally, such filings will be made well before the thirtieth day. What § 107.107 does inform the applicant is that if his application is not returned within 30 days, he can assume that it has been found complete and in conformity with § 107.103(b) and that the public comment process has been initiated.

RENEWALS

A number of comments focused on those parts of the proposal which would have required applications for renewals to be submitted and processed in the identical manner as applications for initial issuance. There were three major points made by commentors in this regard. First, they asserted that an applicant for renewal should not be required to resubmit what is frequently extensive technical data which the Bureau already has on file. Second, they expressed the opinion that since that data had already been through the Bureau's evaluation and approval process, it should not require the Bureau 120 days to review it on renewal. And third, they pointed out that holders of exemptions (and other existing forms of administrative relief from the hazardous materials regulations) which will expire between the proposed effective date (October 16, 1975) and 120 days thereafter may be technically precluded from the opportunity to obtain a renewal without a lapse because, under existing procedures, they would not have applied 120 days in advance of the expiration date.

Modifications have been made in response to each of these three lines of comments. The principal change has been to provide a separate section governing the filing of applications for renewal (§ 107.105) and limiting the applicability of the proposed section on applications to applications for initial issuance (§ 107.103). The Hazardous Materials Transportation Act requires that "[e]ach person applying for * * * an exemption or renewal shall, upon application, provide a safety analysis * * * to justify the grant of such exemption." The Bureau agrees that no useful purpose will be served by refiling of data which is already part of the public record and believes that the statutory objective can best be served in the case of renewal applications by requiring the applicant to review his earlier submissions and certify their continued accuracy and applicability and update that data as necessary. In all cases, a renewal application should be accompanied by a report on the applicant's activities covered by the exemption since its issuance, including all accidents or incidents relating to those activities. New § 107.105(a) so provides. The Bureau also agrees that review of renewal applications should not be as time-consuming as evaluation of initial applications even though public notice and comment proceedings are required in both cases. Accordingly, new § 107.105(b) provides, in advisory rather than mandatory terms, that applications for renewals should be submitted at least 60 days before the expiration date of the exemption.

In conjunction with this shortening of the renewal processing period from 120 to 60 days, the administrative review period provided for in § 107.107 has also been shortened from 30 to 15 days and a new § 107.105(c) has been added to expressly provide for the continuation of an exemption in the unlikely event that processing of a timely filed renewal application is not completed before the scheduled expiration date. These changes do not, of course, preclude earlier submissions. Moreover, renewal applications containing requests for amendments will be processed in the same manner as original applications and therefore should be submitted accordingly.

So that applicants for renewals who file during the first 60 days after the effective date of these procedures will not be prejudiced by the new requirements governing the contents of renewal applications, § 107.105(d) has been added to provide that renewal applications received during that period will be processed if they meet the content requirements under the Department's procedures in effect immediately prior to the effective date of these new procedures. The processing of such applications will, of course, include the public notice and opportunity for public comment steps described in § 107.109(a).

PROCESSING OF EMERGENCY APPLICATIONS

The vast majority of those who commented on the emergency exemption portion of the proposed regulation were concerned with its application to air commerce. The comments of shippers and carriers alike spoke with favor about the timely and efficient treatment they had received under 14 CFR 103.5 when faced with a pressing need for relief from the regulations. While the Bureau agrees that there are many well-tested and worthwhile features to the 14 CFR 103.5 procedures, some of which are being adopted in these regulations, it must be recognized that 14 CFR 103.5 allowed two bases for administrative relief from the hazardous materials regulations applicable to air commerce. One basis was

"emergency" which was an overall concept is transferable to these regulations for implementing § 107 of the Hazardous Materials Transportation Act. The other basis was the impracticability of other forms of transportation. Regardless of the logic and soundness of this second basis, it is not by itself recognized by § 107 of the Act as a legitimate basis for the Bureau declaring that an emergency exists. The necessity to eliminate this second basis for emergency exemptions has caused great concern by interests in Alaska which has traditionally accounted for more than 75% of all relief granted under 14 CFR 103.5.

After reviewing the case-by-case history of actions taken under 14 CFR 103.5, the Bureau, on September 26, 1975, initiated rule making (40 FR 45197, October 1, 1975) based on demonstrated favorable safety experience thereunder. It is expected that such regulations will eliminate the need for several classes of reoccurring emergency exemptions for Alaska and other remote areas where a cargo-only aircraft is the only practicable means of transportation. To allow for finalization of this related proposed rule making, the Bureau is adopting certain transition procedures set forth in § 107.125 which will enable it to respond to the special situation in Alaska. To ensure that the needs of the citizens of Alaska are properly served during the transition period which the Bureau expects to be completed by January 16, 1976, the FAA and the Bureau have arranged for all essential exemption activities and decisions to be made in Alaska. For example, the "official designated by the Director, OHMO," to perform certain Bureau functions under § 107.125 will be stationed in the FAA Regional Office in Anchorage.

The Bureau feels that these steps, when fully completed, together with the modifications made in these regulations, will result in an accommodation of the well-articulated needs of persons in Alaska and at the same time fully satisfy the procedural requirements prescribed by the Hazardous Materials Transportation Act.

In response to recommendations that applications for emergency exemption be treated separately from general applications, the Bureau has grouped all provisions relating to the application for and processing of emergency exemptions into a separate distinct section (§ 107.113). In so doing and in response to related comments, provision has been made for making application through FAA District Offices in the case of air commerce and for 24-hour telephone numbers for the other modes of transportation.

DETERMINATION OF EXISTING EMERGENCY

The proposed criteria for determinations as to whether or not an emergency exists evoked a wide range of comments. At one extreme was a recommendation that the proposed criteria for making determinations be converted to flat declarations that an emergency does in fact exist when, in the view of an applicant, any of the described conditions occur (*i.e.*, risk to life or property or the chance of serious economic loss). At the other extreme was an assertion that an emergency exists only if there is "an imminent risk of a substantial injury to human health, welfare or life itself which is not outweighed by the public's statutory right to know of and participate in the pending exemption proceeding." The author of the latter comment would further restrict his narrow concept of emergency by providing that "no relief should be available where it appears that the applicant himself has induced or provoked the alleged emergency by unnecessarily delaying his filing." To deny an applicant the means to abate a danger to his own "health, welfare or life" is an unreasonable penalty to impose for late filing of an application. Such a penalty is unconscionable when, as in most such cases, the danger is to the health, welfare or life of innocent third parties rather than that of a dilatory applicant.

In between these extremes were suggestions that express recognition should be given to cost/benefit considerations and seasonal movement of products such as agricultural chemicals, and that lack of other forms of transportation should be considered to be an emergency authorizing the use of aircraft along the lines of present 14 CFR 103.5. A few commentors stated that there was a need for the criteria to be more specific, particularly with regard to the term "serious economic loss". One such commentor sought specificity as to whose economic loss (*e.g.*, shipper, carrier, consignee, general public) is to be considered under the criteria. Another commentor asserted that the criteria were not sufficiently specific to inform him as to how he could frame an application guaranteed to qualify it for emergency treatment. Another commentor complained that an emergency had not been "totally defined".

One commentor stated that there appeared to be no reason for the parenthetical expression in the protection of life and property criteria which excludes "the hazardous material to be transported" from the class of property for which an emergency exemption can be sought. This exclusion was proposed because the Bureau means to limit emergency determinations under that criterion to situations in which there is an urgent need for the hazardous material concerned to be (1) delivered elsewhere in order to alleviate a condition posing a threat to life or property, or (2) moved from its present location in order to protect life or property from the hazards the material may present.

The commentor who would limit "emergencies" to situations involving risk to health, welfare or life on the theory that the governing statute (§ 107 (d) of the Hazardous Materials Transportation Act) so requires, reads into the statute words of limitation that simply are not there. Those who seek specificity to precisely cover a particular factual situation would have the Bureau so narrow the criteria as to risk freezing out other legitimate emergency situations that surely will arise.

Several comments concerned the manner in which the emergency determination authority should be exercised under the proposed criteria. Although it does not consider it necessary or appropriate for inclusion in the regulations, the Bureau finds considerable merit in one commentor's admonition that "the finding that an emergency exists must result from a balancing of all of the relevant information available to the Department." The Bureau intends to do precisely this in making emergency determinations, particularly those which will be made under the "serious economic loss" criteria of § 107.115(b). While the Bureau fully anticipates that its emergency determinations under the "serious economic loss" criteria will nearly always be limited to situations in which the hazardous material concerned needs to be delivered elsewhere to prevent serious economic loss, it recognizes also the possibility of that infrequent instance when a manifest injustice or absurdity could result if the criteria is literally limited to needed deliveries.

Various elements of the Department of Defense (DOD) expressed the view that certain of their shipments of hazardous materials which require exemptions when transported by commercial carriers should be entitled to emergency exemptions in the interest of national defense. Two U.S. Army commentors recommended that such emergency exemptions should be granted for "shipments to be made by or for the DOD in support of the national defense program, when certified by the DOD as essential and critical." The Naval Sea Systems Command requested a "grandfather clause for DOD Special Permits in order that the transportation of DOD weapons systems/components will not be disturbed."

The Bureau does not find authority in law which would authorize it to adopt any of the DOD proposals for grandfather clauses or DOD certifications. The responsibility vested in the Secretary of Transportation by § 107(d) of the Hazardous Materials Transportation Act to determine that an emergency exists must be carried by him or by one of his subordinates within his Department. It cannot be transferred horizontally to another Executive Department. In addition, the Bureau believes that those determinations can only be made case-by-case on the basis of existing circumstances.

Comments from the Air Force question the need for requiring them to reapply biennially for an exemption issued in 1961 for an indefinite period. The provisions of §§ 107(a) and 114(b)(2) of the Hazardous Materials Transportation Act are controlling on this point. Section 114 (b)(2) operates to terminate the Air Force exemption and any other similar indefinite exemptions on January 4, 1977, unless renewed before that date, in accordance with regulations issued under § 107 of the Act. That section, under which the current regulations are being issued, does not allow any exemption or renewal thereof to be issued for more than a two-year term. As their comments suggest, a properly framed petition for

rule making based on their satisfactory safety experience under the exemption they now hold may well be a more satisfactory way for the Air Force to proceed. Other elements of DOD may also find a well-reasoned petition for rule making preferable to repeated applications for exemptions. It should also be recognized that transportation of hazardous materials aboard DOD's own vessels, vehicles and aircraft does not require either rule making or exemptions since such operations are not considered to be in commerce.

After considering the various points advanced by the commentors on the criteria for determining whether an emergency exists, the Bureau finds itself in concurrence with the commentor who took the position that:

> The regulations implementing the exemption power should * * * refram from specific definition of an "emergency", for the very nature of emergencies is their unforeseen timing and character. The need for expedited treatment as an emergency matter is best left to the judgment and discretion of the Materials Transportation Bureau and its staff, to determine on a case-by-case basis as each situation arises. Attempts at definition of an indefinable concept will only serve to frustrate the equitable exercise of this power, by boxing it into criteria that fail to accommodate every situation that will be encountered.

Appeals

Several comments noted the lack of a specific appeal procedure for those applicants whose applications may be denied. One of the commentors went on to suggest that perhaps the reconsideration procedures in Part 102 pertaining to rule making should be available for appealing exemption denials. The other commentors recommended the addition of specific appeal procedures to this body of exemption regulations. The Bureau believes this latter approach to be preferable and therefore has added a new § 107.121 expressly providing for the appeal of various actions taken under these exemption regulations to the Director of the Materials Transportation Bureau whose decisions will be administratively final.

Confidential Information

A few commentors criticized the proposed regulations for not being specific as to the disposition of documents for which requested confidential treatment is denied by the Bureau. Several of those commentors expressed the view that an applicant faced with an adverse determination on his request for confidentiality should have the option of withdrawing his application. The Bureau agrees with both of these views. Therefore, it has established more comprehensive procedures governing requests for confidential treatment. These procedures in new § 107.3 will apply to all documents submitted with respect to hazardous materials, not just applications for exemptions. They provide for notice to an applicant when his request for confidentiality is denied and an opportunity for him to respond or withdraw his application before the Bureau discloses the information. Section 107.117 concerning withdrawal of a pending application has been modified to expressly allow an applicant to recover the contested documents if he withdraws his application before it is finally determined. These changes do not go so far as to allow the return of such documents after an application has been finally denied as was suggested by one commentor. The Bureau is not prepared to authorize withdrawal of documents once they have served as a basis for a completed official action on an application for exemption, be it an approval or a denial.

Also, in response to comments, the Bureau has modified § 107.123(b), pertaining to what the Bureau makes available for public inspection, by deleting the misleading reference to materials "not relevant to the petition" and by adding a citation to the Department of Transportation's Freedom of Information Act regulations.

Parties to Exemptions

A large number of comments made the point that a procedure should be established for extending the terms of an exemption granted to one person to other persons in like circumstances without requiring a complete duplication of the various steps and evaluations performed with regard to the original application. The arguments in support of this view are in many respects similar to those which justified simplification of the renewal process.

The procedures suggested by the commentors were for the most part analogous to the "registration" concept that has been employed for the past few years by the Hazardous Materials Regulations Board under its special permit program. Under that program, once the efficacy of a proposal susceptible of being performed by persons in addition to the applicant was established and a special permit (*i.e.*, exemption) issued, the Board would allow other persons to "register" (i.e., become a co-holder) under that special permit.

The Bureau agrees that provision should be made for a similar process under these new exemption procedures. However, rather than merely codifying the earlier procedures, the Bureau has decided to incorporate certain modifications to bring them in line with the intent and purpose of the Hazardous Materials Transportation Act and in particular § 107 thereof. Since § 106 of the Act uses the term "registration" to describe an entirely different concept, the term "party to an exemption" has been adopted. New § 107.111 sets forth the requirements for applying for status as a party to an exemption and describes the Bureau's processing thereof. By filing an application to become a party to an exemption, the applicant constructively adopts as his own the technical and safety information submitted by the applicant for the exemption and if he is granted status as a party to the exemption he is bound by the limitations and conditions that apply to the initial holder of the exemption and will be identified separately as a holder on the exemption documents issued to him.

National Transportation Safety Board Comments

On September 12, 1975, the closing day for comments on the proposed exemption regulations, the Chairman of the National Transportation Safety Board (NTSB) filed as comments to the docket an advance copy of two formal NTSB recommendations subsequently delivered to the Secretary of Transportation on September 25, 1975.

Both of the NTSB's recommendations stem from its conclusion that "the proposed exemption procedures do not fulfill the intent of Section 107 of the Hazardous Materials Transportation Act, which calls for 'a safety analysis as prescribed by the Secretary to justify the grant of such exemption.'" The NTSB does not believe that the information required by proposed § 107.5(b) (4)–(7) and (9) [§ 107.103(b) (4)–(7) and (9) in these final regulations] will result in a clear presentation of specific safety concerns and does not constitute a safety analysis. In its view each applicant should be required to "prepare a formal safety analysis statement which would—

"(1) Identify the ways persons could be injured with respect to the quantity and form of the materials to be transported,

"(2) Identify the specific risks for which the applicant considers it necessary to establish safety control measures, based on § 107(9) (i) and (ii) of the proposed exemption procedures [§ 107.103(b)(9) (i) and (ii) of these final regulation], and

"(3) Describe measures which would eliminate these risks." In addition to assuring that such formal statements would cause applicants to focus on safety problems, the NTSB believes that the mass of data that would be derived could be used as base data in future *risk* analyses.

Having expressed these views, the NTSB proceeded to recommend to the Secretary of Transportation that he

"(1) Prescribe the content and form for a safety analysis statement to accompany applications for exemptions to the Materials Transportation Bureau's regulations. (Recommendation HM–75–1) (Class I).

"(2) Revise proposed 49 CFR 107.5(b)(9) to require submission of a safety analysis statement, in the form prescribed by the Secretary of Transportation, to support the applicant's belief that his proposed exemption will achieve the level of safety specified in 49 CFR 107.5(b)(9) (i) and (ii). (Recommendation HM–75–2) (Class I)."

The provisions of the Bureau's proposed procedures cited by the NTSB require an applicant to prepare (1) a detailed technical description of his proposal, (2) a quantitative and qualitative chemical analysis of the material concerned, (3) an analysis of all related shipping experience and accident experience, (4) a statement of the special transportation controls needed for the

mode of transportation proposed to compensate for any increased risks that would be encountered should the exemption be granted, (5) a schedule of events under the proposal, and (6) a statement setting forth the applicant's analysis of why he believes his proposal will achieve a level of safety at least equivalent to that provided by the regulations or, if there is no regulatory standard, will adequately protect against risks to life and property which are inherent in the transportation of hazardous materials. These were the items of information and the analyses that the Bureau considered necessary for it to properly evaluate a proposal. Notwithstanding the construction assigned to the term "safety analysis" and the intent imputed to § 107 of the Hazardous Materials Transportation Act by the NTSB, the Bureau is of the firm belief that the information gathering and analytical requirements which it proposed with respect to applications for exemptions fulfills the "intent" of § 107 and will provide the Bureau with the information it needs to evaluate the proposals and establish the proper regulatory safeguards in those cases in which an exemption is granted.

In finalizing these regulations, the Bureau has modified items (7) and (9) in the list of required application contents in light of the NTSB comments. Item (7) has been amended to require an applicant to identify increased risks likely to result if an exemption is granted and specify the safety control measures necessary to compensate for them. Item (9), which requires a statement from the applicant as to why he believes his proposal will achieve the required statutory level of safety, has been amended to require that statement to cover the safety control measures proposed by the applicant. These changes, as the NTSB suggested, should help assure that applications focus on the safety problems which need to be considered.

The Bureau, however, cannot fully agree with the NTSB that each applicant should be required to "identify the ways persons could be injured with respect to the quantity and form of the materials to be transported." The NTSB approach applied literally would mean that a recent applicant seeking Bureau approval for a different (and what may well be a better) technique for applying glue in the fabrication of several different styles of hazardous material specification fiberboard boxes would have been confronted with an overwhelming task. One style of the fiberboard boxes alone is used to carry hundreds of different hazardous materials. Under the NTSB proposal, the applicant would have been required to identify the ways persons could be injured with respect to each of those hundreds of hazardous materials. While it is undoubtedly true that "the data derived from this procedure could be used as base data in future risk analysis", it is more likely that the applicant would have abandoned the effort. It is the Bureau's view that the risks to be identified and addressed by the applicant, by those who choose to comment on the application, and by the Bureau staff, are those risks that would arise as a direct result of granting the exemption. In rejecting this part of the NTSB's suggested changes, the Bureau does not mean to give the impression that it finds the suggestion totally without merit. In particular cases, the Bureau foresees requiring an applicant to supply the full range of information which the NTSB would require for all cases. The obtaining of such information on a case-by-case basis is clearly provided for in § 107.109(b) [proposed § 107.11(b)], which may have been overlooked in the formulation of the NTSB's comments.

Recommendation HM–75–1 calls for "a safety analysis statement to accompany applications for exemptions to the Materials Transportation Bureau's regulations." In addition to regulations pertaining to hazardous materials, the Bureau also prescribes and administers regulations under the Natural Gas Pipeline Safety Act of 1968. Although it would appear that the NTSB intended to include those regulations within the coverage of Recommendation HM–75–1, exemptions from those regulations are beyond the scope of this rule making and are governed by a different statutory standard.

Except as stated above, the Bureau is satisfied that the proposed regulations, modified as described in this preamble, reflect and accommodate the NTSB's Recommendations HM–75–1 and HM–75–2. The Bureau also believes that through the public notice and comment procedures being established, the NTSB will be afforded new opportunities to apply its insight and expertise to the matter of the transportation of hazardous materials in commerce.

Other Matters

Two comments addressed the proposed requirement that applications state the composition and percentage of each chemical which is the subject of an exemption application. Both commentors felt that information on traces or insignificant amounts need not be included in an application. One commentor would set the floor at 5% The Bureau understands and appreciates the commentor's point. While it is prepared to follow a general practice of accepting applications which provide the specified information with respect to all components which make up 1% or more of a mixture or solution, the Bureau believes that making this practice a fixed rule may, on occasion, induce an applicant to omit essential information.

Section 107.109(c) has been modified to accommodate suggestions that an applicant whose application is denied should be given the reasons for the denial.

Comments on the proposed termination and suspension provisions asserted that an exemption should not be subject to suspension for failure of the holder to adhere to its terms unless those terms are "repeatedly violated". The Bureau believes that such a change would effectively negate any therapeutic effect that is otherwise likely to result from the establishment of this sanction. A related suggestion stated that an immediate amendment rather than suspension is the appropriate administrative action to be taken when new information shows that an exemption does not adequately protect against risks to life and property. The Bureau believes that this might be so in *some* cases. In others, a suspension pending actual determination of an appropriate amendment may be necessary. It was to provide for this flexibility that the proposed suspension provision in question was cast in discretionary terms. The Bureau sees no reason to change it.

One commentor questioned the legality of giving packaging manufacturers, reconditioners, and other similarly situated persons the right to apply for exemptions under the proposed regulations. The commentor stated that through legislative oversight such persons were not expressly mentioned in § 107 of the Hazardous Materials Transportation Act as being potential applicants for exemptions. The commentor also correctly pointed out that a bill (S. 2024, 94th Cong.) on this subject has been introduced in the Senate. That bill had its origins in the Bureau which is of the view that its enactment would merely clarify the matter and that legislative validation of the questioned class of potential applicants is not required. A person's right to petition an agency for relief from a regulation of that agency which directly affects that person is so well established as to be beyond question.

Several editorial adjustments have been made in response to comments and to be consistent with the changes discussed elsewhere in this preamble.

Effective Date

Since these amendments establishing new exemption procedures and making related changes to existing regulations are procedural rather than substantive and because of the need for immediate public guidance with respect to the new exemption procedures, they are being made effective in less than 30 days after publication in the Federal Register. As proposed in the notice of proposed rule making issued on July 30, 1975 (40 FR 32758, August 4, 1975), these amendments become effective on October 16, 1975.

Related Changes to Other Titles

Elsewhere in this edition of the Federal Register, 14 CFR 103.5 is being revoked and 46 CFR 146.02–25 is being amended to conform with the adoption of these new exemption procedures.

In consideration of the foregoing, 49 CFR Subtitle B, Chapter I, is amended as follows:

1. In Subchapter B—Hazardous Materials, a new Part 107 is established to read as follows:

PART 107—PROCEDURES

Subpart A—General Provisions

Subpart B—Exemptions

AUTHORITY: 18 U.S.C. 831–835, 46 U.S.C. 170 (11), 49 U.S.C. 1421(c), 49 U.S.C. 1806, 49 CFR 1.53(e)–(h).

Subpart A—General Provisions

§ 107.1 Purpose and scope.

(a) This part prescribes procedures utilized by the Materials Transportation Bureau and the Office of Hazardous Materials Operations in carrying out their duties under the laws pertaining to the transportation of hazardous materials.

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

§ 107.3 Definitions.

As used in this part—

"OHMO" means the Office of Hazardous Materials Operations.

"MTB" means the Materials Transportation Bureau.

§ 107.5 Request for confidential treatment.

(a) If any person filing a document with the OHMO claims that some or all the information contained in the document is exempt from the mandatory public disclosure requirements of the Freedom of Information Act (5 U.S.C. 552 (1970)), is information referred to in 18 U.S.C. 1905 (1970), or is otherwise exempt by law from public disclosure, and if that person requests the OHMO not to disclose the information, that person shall file together with the documents a second copy of the document from which has been deleted the information for which confidential treatment is claimed. The person shall indicate in the original document that it is confidential or contains confidential information and may file a statement specifying the justification for which confidential treatment is claimed. If the person states that the information comes within the exception in 5 U.S.C. 552(b)(4) for trade secrets and commercial or financial information, that person must include a statement as to why the information is privileged or confidential. If the person filing a document does not submit a second copy of the document with the confidential information deleted, the OHMO may assume that there is no objection to public disclosure of the document in its entirety.

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

Subpart B—Exemptions

§ 107.101 Purpose and scope.

This subpart prescribes procedures by which persons who are subject to the requirements of this subchapter, Subchapter C of this chapter, 14 CFR Part 103, or 46 CFR Part 64 or Part 146 may obtain administrative relief therefrom on the basis of equivalent levels of safety or levels of safety consistent with the public interest and the policy of the Hazardous Materials Transportation Act.

§ 107.103 Application for exemption.

(a) Any person who is subject to the requirements of this subchapter, Subchapter C of this chapter, 14 CFR Part 103, or 46 CFR Part 64 or Part 146 may apply to the Director, OHMO, for an exemption from those requirements.

(b) Each application filed under this section for an exemption must—

(1) Be submitted in triplicate to: Office of Hazardous Materials Operations, U.S. Department of Transportation, Washington, D.C. 20590, Attention: Exemptions Branch;

(2) Set forth the text or substance of the regulation from which the exemption is sought;

(3) State the name, address, and telephone number of the applicant;

(4) Include a detailed description of the proposal, including when appropriate, drawings, plans, calculations, procedures, test results, previous exemptions, approvals or permits, a list of specification containers, if any, to be used, a list of modified specification containers, if any, to be used, and a description of the modifications, and any other supporting information;

(5) State the chemical name, common name, hazard classification, form, quantity, properties, and characteristics of the material covered by the proposal, including composition and percentage (specified by volume or weight) of each chemical, if a solution or mixture;

(6) Describe all relevant shipping and accident experience;

(7) Specify the proposed mode of transportation, identify any increased risks that are likely to result if the exemption is granted, and specify the safety control measures which the applicant considers necessary or appropriate to compensate for those increased risks;

(8) Specify the proposed duration or describe the proposed schedule of events for which the exemption is sought;

(9) State why the applicant believes the proposal including any safety control measures specified by the applicant will achieve a level of safety which—

(i) Is at least equal to that specified in the regulation from which the exemption is sought, or

(ii) If the regulations do not contain a specified level of safety, will be consistent with the public interest and will adequately protect against the risks of life and property which are inherent in the transportation of hazardous materials in commerce;

(10) If the applicant seeks to have the application processed on a priority basis, set forth the supporting facts and reasons.

(c) Unless the Director, OHMO, finds that there is good reason for priority processing of an application, each application is processed in the order in which it is received. To permit timely consideration, an application should be submitted at least 120 days before the requested effective date.

(d) If the applicant wishes to claim confidential treatment for any information contained in the application, the procedures set forth in § 107.5 apply.

§ 107.105 Application for renewal.

(a) Each application for the renewal of an exemption issued under this subpart must—

(1) Be submitted in triplicate to: Office of Hazardous Materials Operations, U.S. Department of Transportation, Washington, D.C. 20590, Attention: Exemptions Branch;

(2) Identify the exemption for which a renewal is requested;

(3) State the name, address, and telephone number of the applicant;

(4) Include (i) a certification by the applicant that the descriptions, technical information and safety assessment submitted in the original application, or as may have been updated by any subsequent application for renewal, remain accurate and correct, or (ii) such amendments to the previously submitted descriptions, technical information and safety assessment as is necessary to update them and assure their accuracy and correctness;

(5) A statement describing all relevant shipping and all accident experience that has occurred in connection with the exemption since its issuance or most recent renewal or, if no accidents have been experienced, a certification to that effect. This statement must include the approximate number of shipments made or packages shipped, as the case may be, and the number of shipments or packages involved in any loss of contents, including loss by venting when transporting a compressed or cold temperature gas.

(b) To permit timely consideration, an application for renewal should be submitted at least 60 days before the expiration date of the exemption.

(c) If, at least 60 days prior to the expiration of an existing exemption of a continuing nature, the holder files an application for renewal which is complete and conforms with the requirements of this section, the exemption will not be considered to have expired until the application for renewal has been finally determined.

(d) Paragraphs (a) and (b) of this section notwithstanding, an application received after October 15, 1975, and before December 16, 1975, seeking the renewal of a special permit, exemption, waiver, deviation or any other similar form of administrative relief from the requirements of Subchapter C of this chapter, 14 CFR Part 103, or 46 CFR Part 64 or Part 146 issued under procedures superseded by this subpart will be processed in the manner prescribed in this subpart if that application contains all of the information that would have been required for renewal under the superseded procedure. An application received after December 15, 1975, seeking renewal of administrative relief granted under procedures superseded by this subpart, must contain the information required by paragraph (a) of this section.

§ 107.107 Administrative review.

In the case of a written application for an exemption submitted as provided in § 107.103(b) or the renewal of an exemption submitted as provided in § 107.105, the Director, OHMO, reviews it to determine whether it is complete and conforms with the requirements of this subpart. This determination will be made within 30 days of the receipt of an exemption application and within 15 days of the receipt of a renewal application. If it is not returned to the applicant by the end of that period, it will be processed as provided in § 107.109. If an application is returned, the applicant will be informed in what respects the application is incomplete.

§ 107.109 Processing of application.

(a) After an application for an exemption or renewal of an exemption is determined to be complete, the Director, OHMO, dockets the application and publishes a notice in the FEDERAL REGISTER affording an opportunity for interested persons to comment. All comments received before the close of the comment period are considered before final action is taken on an application.

(b) No public hearing, argument, or other formal processing is held directly on an application filed under this subpart before its disposition under this section. However, during the processing of an application the Director, OHMO, may require the applicant to supply additional information.

(c) If the Director, OHMO, determines that the application does not contain adequate justification, he denies it and notifies the applicant in writing, together with the reasons therefor. He also publishes in the FEDERAL REGISTER a notice of the denial.

(d) If the Director, OHMO, determines that the application contains adequate justification, he grants it subject to the conditions set forth in Appendix B to this subpart and such other terms as he considers necessary, and notifies the applicant in writing. He also publishes in the FEDERAL REGISTER a notice of the grant.

(e) If the Director, OHMO, determines that an application concerns a matter of such general applicability and future effect as to warrant being made the subject of rule making, he may initiate rule making under Part 102 of this chapter in addition to or in lieu of granting or denying the application.

§ 107.111 Party to an exemption.

(a) Any person who is eligible to apply under § 107.103 for an exemption may apply to the Director, OHMO, to be made a party to an application filed under that section or to an exemption granted under § 107.109(d).

(b) Each application filed under this section must—

(1) Be submitted to: Office of Hazardous Materials Operations, U.S. Department of Transportation, Washington, D.C. 20590, Attention: Exemptions Branch;

(2) Identify the exemption application or exemption to which the applicant seeks to become a party; and

(3) State the name, address and telephone number of the applicant.

(c) The applicant becomes a party to an exemption application or exemption if the Director, OHMO, determines that—

(1) The applicant is a person who is eligible to apply under § 107.103 for an exemption; and

(2) The exemption application or exemption to which the applicant seeks to become a party concerns a matter of a continuing nature and does not depend upon information entitled to confidential treatment.

(d) The Director, OHMO, publishes in the FEDERAL REGISTER a notice of each application received, each initial determination made and each renewal granted under this section.

(e) A person who becomes a party to an exemption under this section is subject to terms of that exemption, including the expiration date stated therein. If a party to an exemption wishes to renew his status as a party to an exemption, the procedures set forth in §§ 107.105 through 107.109 with respect to an application for renewal of an exemption apply.

§ 107.113 Application for and processing of emergency exemption.

(a) Any person who is subject to the requirements of this subchapter, Subchapter C of this chapter, 14 CFR Part 103, or 46 CFR Part 64 or Part 146 who seeks an exemption from any of those requirements on the basis of an existing emergency shall apply for that exemption through the appropriate Department of Transportation official listed in Appendix A to this subpart.

(b) An application submitted under this section must include such supporting information with respect to each of the topics specified in § 107.103 (2) through (11) as the receiving Department of Transportation official considers necessary for processing the application.

(c) Upon receipt of all of the information necessary for processing the application, the receiving Department of Transportation official shall transmit to the Director, OHMO, by the most rapid available means of communication, his evaluation as to whether an emergency exists and his recommendations with respect to the conditions to be included in the exemption. If the Director, OHMO, determines that an emergency exists and that there is adequate justification for the exemption, he grants the exemption subject to the applicable conditions set forth in Appendix B to this subpart and such other terms as he considers necessary, and immediately notifies the applicant. If the Director, OHMO, cannot determine that an emergency exists or that there is not adequate justification for the exemption, he immediately so notifies the applicant.

§ 107.115 Determination of existing emergency.

(a) The Director, OHMO, shall determine that an emergency exists if, on the basis of information submitted in the application and his own investigation, he finds that—

(1) Existing conditions require the hazardous material concerned to be transported in commerce for the protection of life or property (other than the hazardous material to be transported); and

(2) The protection of life or property to be provided by the hazardous material would not be possible if the application is processed on a routine basis.

(b) The Director, OHMO, may determine that an emergency exists if, on the basis of information submitted in the application, he finds that—

(1) Existing conditions require the hazardous material concerned to be transported in commerce to prevent or minimize serious economic loss; and

(2) The prevention or minimizing of serious economic loss to be provided by the hazardous material would not be possible if the application is processed on a routine basis.

(c) In determining what constitutes serious economic loss under paragraph (b) of this section, the Director, OHMO, considers the nature and extent of the expected loss.

§ 107.117 Withdrawal.

(a) An applicant may withdraw an application at any time prior to it being finally determined. When an application is withdrawn after publication of the notice of application in the FEDERAL REGISTER, the Director, OHMO, publishes a notice of withdrawal in the FEDERAL REGISTER.

(b) Except for documents for which confidential treatment was requested by the applicant, withdrawal of an application does not authorize the removal of any related records from the dockets or files of the OHMO.

§ 107.119 Termination.

(a) An exemption and any renewal thereof terminates according to its terms but not later than two years after the date of issuance unless terminated sooner pursuant to paragraph (b) or (c) of this section.

(b) The Director, OHMO, may suspend an exemption if he determines that—

(1) An activity under the exemption is not being performed in accordance with the terms of the exemption; or

(2) On the basis of information not available at the time it was granted, an amendment to the terms of the exemption is necessary to adequately protect against risks to life and property.

(c) The Director, OHMO, terminates an exemption if he determines that—

(1) The exemption is no longer consistent with the public interest;

(2) The exemption is no longer necessary because of an amendment to the regulations; or

(3) The exemption was granted on the basis of false, fraudulent, or misleading representations or information.

(d) Unless the Director, OHMO, believes that immediate suspension or termination is necessary to abate the risk of an imminent hazard, he notifies the holder in writing of the reasons therefor and provides the holder an opportunity to show why the exemption should not be suspended or termniated, before he suspends or terminates an exemption under paragraph (b) or (c) of this section.

§ 107.121 Appeal.

Any applicant for an exemption or the renewal of an exemption aggrieved by an action taken by the Director, OHMO, under this subpart and any holder of an exemption suspended or terminated by the Director, OHMO, under § 107.119 (b) or (c) may file an appeal with the Director, MTB. The appeal must be filed within 30 days of service of notification of that action, suspension or termination. There has not been an exhaustion of administrative remedies until an appeal has been filed and the appellate process is completed by the issuance of an order by the Director, MTB, granting or denying the appeal.

§ 107.123 Availability for public inspection.

(a) Information relevant to an application under this part, including the application and supporting data, memoranda of any informal meetings with the applicant, and the grant or denial of the application is available for public inspection, except as specified in paragraph (b) of this section, at the Office of Hazardous Materials Operations, Trans Point Building, 2100 2nd Street, SW., Washington, D.C. 20590. Copies of available information may be obtained, as provided in Part 7 of this title.

(b) Information made available for inspection does not include materials which the Director, OHMO, determines should be withheld from public disclosure under § 107.5 and in accordance with the applicable provisions of section 552(b) of title 5, United States Code, and Part 7 of this title.

§ 107.125 Transition period and procedures for certain air commerce situations in Alaska.

(a) Notwithstanding any other provision of this subpart, an application for an exemption from a requirement of 14 CFR Part 103 which—

(1) Does not involve radioactive materials;

(2) Is for one or more flights of civil aircraft to or between places in the State of Alaska to be completed before January 16, 1976; and

(3) Seeks priority treatment on the basis of an existing emergency or because other forms of transportation are impracticable

may be initiated through the appropriate Federal Aviation Administration official specified in Appendix A to this subpart. That official, upon receiving the information necessary for processing the application, will transmit to the official designated by the Director, OHMO, for that purpose in Alaska his evaluation as to whether an emergency exists or other forms of transportation are impracticable and his recommendations with respect to whether the exemption should be granted and any conditions that should be included therein. If the official designated by the Director, OHMO, determines that an emergency exists or that other forms of transportation are impracticable, and that the proposed flight or flights can be made safely, he grants the exemption subject to such conditions as he considers necessary and immediately notifies the applicant.

APPENDIX A

LIST OF DEPARTMENT OF TRANSPORTATION OFFICIALS THROUGH WHOM APPLICATIONS FOR EXEMPTIONS SEEKING PRIORITY TREATMENT ON THE BASIS OF EXISTING EMERGENCIES MAY BE INITIATED BY TELEPHONE

AIR CARRIERS

The Federal Aviation Administration Flight Standards District Office or Air Carrier District Office which serves the place where the flight[s] concerned will originate or which is responsible for overall inspection of the carrier's operations.

AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

The Federal Aviation Administration Flight Standards District Office or General Aviation District Office which serves the place where the flight[s] concerned will originate or which is responsible for overall inspection of the operator's operations.

MOTOR CARRIERS

Chief, Regulations Division, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590. Day 202/426–1700 and Night 202/426–1830.

RAIL CARRIERS

Associate Administrator for Safety, Federal Railroad Administration, Department of Transportation, Washington, D.C. 20590. Day 202/426–0897 or 426–2748 and Night 202/426–1830.

WATER CARRIERS

Chief, Packaged Cargo Branch, Cargo and Hazardous Materials Division, United States Coast Guard, Washington, D.C. 20590. Day or Night 202/426–1830.

APPENDIX B

STANDARD CONDITIONS APPLICABLE TO EXEMPTIONS

PACKAGES, CONTAINERS, SHIPMENTS

Exemptions from the regulations governing packages, containers, and the preparation and offering of hazardous materials for shipment are subject to the following conditions:

(1) The outside of each package must be plainly and durably marked "DOT–E" followed by the number assigned. On portable tanks, cargo tanks and tank cars, the markings must be in letters at least two inches high on a contrasting background.

(2) Each shipping paper issued in connection with any shipment made under an exemption must bear the notation "DOT–E" followed by the number assigned and the entries required by § 173.427 of this chapter.

(3) When an exemption issued to a shipper contains special carrier requirements, the shipper shall furnish a copy of the exemption to the carrier before or at the time a shipment is tendered.

FLIGHTS OF CIVIL AIRCRAFT

Exemptions from the regulations governing the transportation of hazardous materials on civil aircraft are subject to the following conditions:

(1) No person other than a required flight crewmember, an FAA inspector, the shipper or consignee of the material or a representative of the shipper or consignee so designated in writing, or a person necessary for handling the material may be carried on the aircraft.

(2) The operator of the aircraft must have advance permission from the owner or operator of each manned airport where the material is to be loaded or unloaded or where the aircraft is to land while the material is on board.

(3) At any airport where the airport owner or operator or authorized representative thereof has designated a location for loading or unloading the material concerned, the material may not be loaded or unloaded at any other location.

(4) If the material concerned can create destructive forces or have lethal or injurious effects over an appreciable area as a result of an accident involving the aircraft or the material, the loading and unloading of the aircraft and its operation in takeoff, enroute, and in landing must be conducted at a safe distance from heavily populated areas and from any place of human abode or assembly.

(5) If the aircraft is being operated by a holder of a certificate issued under Part 121 or Part 135 of title 14, CFR, operations must be conducted in accordance with conditions and limitations specified in the certificate holder's operations specifications or operations manual accepted by the FAA. If the aircraft is being operated under Part 91 of title 14, CFR, operations must be conducted in accordance with an operations plan accepted and acknowledged in writing by the operator's FAA District Office.

(6) Each crewmember of the aircraft must be provided written instructions on the conditions and limitations of the operation being conducted.

(7) The aircraft and the loading arrangement to be used must be approved for safe carriage of the particular materials concerned by the FAA District Office holding the operator's certificate and charged with overall inspection of its operations or the appropriate FAA District Office serving the place where the material is to be loaded.

(8) When explosives are carried, the operator of the aircraft shall obtain route approval from the FAA inspector in the operator's FAA District Office.

PART 170—RULE-MAKING PROCEDURES OF THE HAZARDOUS MATERIALS REGULATIONS BOARD

§§ 170.13 and 170.15 [Revoked]

2. In Subchapter C, Part 170—Rulemaking Procedures of the Hazardous Materials Regulations Board, §§ 170.13 and 170.15 are revoked.

PART 171—GENERAL INFORMATION AND REGULATIONS

§ 171.16 [Revoked]

3. In Subchapter C, Part 171—General Information and Regulations, § 171.6 is revoked.

Issued in Washington, D.C., on October 10, 1975.

JAMES T. CURTIS, Jr.,
Director,
Materials Transportation Bureau.

[FR Doc.75-27806 Filed 10-14-75;8:45 am]

federal register

WEDNESDAY, OCTOBER 15, 1975

PART IV:

OFFICE OF MANAGEMENT AND BUDGET

■

RESCISSIONS AND DEFERRALS

Cumulative Report

OFFICE OF MANAGEMENT AND BUDGET

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS

October 1975

This report is submitted in fulfillment of the requirements of Section 1014(e) of the current year Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014 (e) provides for a monthly report listing all current year budget authority with respect to which, as of the first day of such month, a special message has been transmitted to the Congress.

This month's report gives the status as of October 1, 1975, of the rescissions and deferrals contained in the first four special messages transmitted to the Congress for fiscal year 1976. These messages were transmitted to the Congress on July 1 and 25, and September 10 and 24, 1975.

RESCISSIONS (ATTACHMENT A)

On October 1, 1975, four proposals to rescind $105.2 million in 1976 budget authority were pending before the Congress. During the month of September, four other rescission proposals lost effect: funds for the construction of the Federal Law Enforcement Center were made available for obligation; the funds included in two proposed rescissions for the Community Services Administration lapsed on September 30, 1975; and funds for the National Scenic and Recreational Highway were, at the invitation of the House Appropriations Committee, deferred pending further Congressional review.

DEFERRALS (ATTACHMENT B)

As of October 1, 1975, $3,231.1 million in 1976 budget authority was being deferred from obligation and another $57.6 million in 1976 obligations was being deferred from expenditure.

The 56 deferrals transmitted in the four 1976 special messages are tabulated in Attachment B. Over 60 percent of the dollar amount deferred on October 1 was for two items in the Department of Defense. About 12 percent of the total deferred was for Agriculture Department programs. Another approximately 12 percent of the total was for Interior Department deferrals. The remainder of the deferrals are for 11 other agencies.

INFORMATION FROM SPECIAL MESSAGES

The four special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of: Wednesday, July 9, 1975 (Vol. 40, No. 132, Part V); Wednesday, July 30, 1975 (Vol. 40, No. 147, Part II); Monday, September 15, 1975 (Vol. 40, No. 179, Part V); Monday, September 29, 1975 (Vol. 40, No. 189, Part V).

JAMES T. LYNN,
Director.

STATUS OF RESCISSIONS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

As of October 1, 1975

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of Agriculture							
Forest Service							
Forest Roads and Trails	R76-4	25,723	07-25-75				
Department of Health, Education and Welfare							
Assistant Secretary for Human Development							
Child Development and Head Start	R76-5	7,000	07-25-75				
Department of the Interior							
Bureau of Mines							
Helium Fund	R76-6	47,500	07-25-75				
Department of Transportation							
Federal Highway Administration:							
National Scenic and Recreational Highway	R76-1	[90,000]	07-01-75	1/	1/		
Access Highway to Public Recreation Areas on Lakes	R76-2	25,000	07-01-75	2/	2/		
Department of the Treasury							
Office of the Secretary:							
Construction, Federal Law Enforcement Training Center	R76-3	[8,665]	07-01-75			8,665	09-23-75
Other Independent Agencies							
Community Services Administration							
Economic Opportunity Program							
Research and Demonstration	R76-7	[2,500] 3/	07-25-75				

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Community and Economic Development	R76-8	[7,500] 3/	07-25-75				
TOTAL		105,223				8,665	

1/ See House Report No. 94-496. Deferral of the $90 million was reported to the Congress on September 24, 1975, in D76-55.
2/ See H.R. 8365. Both the House and the Senate versions of the 1976 appropriations bill rescind the $25 million in R76-2 and make new appropriations of $10 million.
3/ These funds, provided in P.L. 94-32, lapsed on September 30, 1975.

STATUS OF DEFERRALS

ATTACHMENT B

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Agriculture 1/

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Foreign Agricultural Service									
Salaries and Expenses (Special Foreign Currency)	D76-1		2,232	07-01-75					2,232
Agricultural Stabilization and Conservation Service									
Agricultural Conservation Program	D76-28	[31,667]		07-25-75 09-10-75				-31,667	0
	D76-28A		31,667	09-10-75					31,667
Water Bank Act Program	D76-29		536	07-25-75					536
Forestry Incentives Program	D76-30		3,750	07-25-75					3,750
Farmers Home Administration									
Rural Water and Waste Disposal	D76-31		37,500	07-25-75					37,500
Rural Housing for Domestic Farm Labor Grants	D76-32		1,250	07-25-75					1,250
Mutual and Self-help Housing Grants	D76-33		2,050	07-25-75					2,050
Self-help Housing Land Development Fund	D76-34		1,625	07-25-75					1,625
Agricultural Marketing Service									
Payments to States and Possessions	D76-35		400	07-25-75					400
Forest Service									
Forest Roads and Trails	D76-36		280,000	07-25-75					280,000
Expense, Brush Disposal	D76-37		27,113	07-25-75					27,113

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Licensee Programs	D76-38		95	07-25-75					95
TOTAL		31,667	388,218					-31,667	388,218

1/ On July 10, 1975, the Senate passed an impoundment resolution requiring release of Youth Conservation Corps funds reported two days earlier by the General Accounting Office as being deferred ($10 million). Funds were released on July 16, 1975.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
National Oceanic and Atmospheric Administration									
Fisheries Loan Fund	D76-2		7,252	07-01-75					7,252
Promote and Develop Fishery Products	D76-3		1,355	07-01-75					1,355
TOTAL			8,607						8,607

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Shipbuilding and Conversion, Navy	D76-4		1,793,590	07-01-75					1,793,590
Military Construction, All Services	D76-5		233,630	07-01-75					
				06-27-75	-1,582				
				07-29-75	-1,752				
				08-25-75	-15,046				
				09-04-75	-5,515				209,735
TOTAL			2,027,220		-23,895				2,003,325

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Wildlife Conservation Military Reservations	D76-6		432	07-01-75					
				09-19-75				-13 1,2/	
				09-24-75				-31 1/	388
TOTAL			432					-44	388

1/ Reflects the actual unobligated balances carried forward July 1, which is a lesser amount than previously estimated.
2/ Reflects a decrease in anticipated receipts for the year.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Health Services Administration									
Indian Health Facilities	D76-39		1,000	07-25-75					1,000
National Institutes of Health									
Buildings and Facilities	D76-7		2,164	07-01-75					
				09-22-75	-2,164				0
Alcohol, Drug Abuse and Mental Health Administration									
Alcohol, Drug Abuse, and Mental Health	D76-40		3,409	07-25-75					3,409
Health Resources Administration									
Health Resources	D76-41		22,000	07-25-75					
				07-25-75	-22,000				0
Assistant Secretary for Health									
Scientific Activities Overseas (Special Foreign Currency)	D76-8		3,652	07-01-75					3,652
Office of Education									
Elementary and Secondary Education	D76-51		8,000	09-10-75					8,000
	D76-52		2,968	09-10-75					2,968
School Assistance in Federally Affected Areas	D76-42		68,350	07-25-75					
				09-10-75				-68,350 1/	0
Higher Education	D76-9		49,040	07-01-75					49,040
Higher Education	D76-43		9,500	07-25-75					
				09-10-75				-9,500 1/	0
Library Resources	D76-44		10,437	07-25-75					
				09-10-75				-10,437 1/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Social and Rehabilitative Service									
Public Assistance Child Welfare Services	D76-45		1,000	07-25-75					1,000
Social Security Administration									
Limitation on Construction	D76-54		14,910	09-24-75	--				14,910
Special Institutions									
Howard University	D76-10		8,174	07-01-75					8,174
Assistant Secretary for Human Development									
Research and Training Activities Overseas (Special Foreign Currency)	D76-11	[7,307]		07-01-75 07-25-75				-7,307	0
	D76-11A		8,307	07-25-75 07-15-75	-3,665				4,642
TOTAL		7,307	212,911		-27,829			-95,594	96,795

1/ Enactment of P.L. 94-94 (September 10, 1975) ended deferral of funds provided by the Continuing Resolution.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 10-01-75
Bureau of Land Management									
Public Lands Development Roads and Trails	D76-12		25,847	07-01-75	--				25,847
Bureau of Reclamation									
Construction and Rehabilitation	D76-13	[1,030]		07-01-75					
				07-25-75				-1,030	0
	D76-13A		1,030	07-25-75					1,030
Upper Colorado River Storage Project	D76-14		1,150	07-01-75					1,150
Bureau of Outdoor Recreation									
Land and Water Conservation Fund	D76-15		30,000	07-01-75					30,000
Fish and Wildlife Service									
Federal Aid in Fish Restoration and Management	D76-16		6,330	07-01-75					6,330
Federal Aid in Wildlife Restoration	D76-17		21,470	07-01-75					21,470
National Park Service									
Road Construction	D76-18		238,092	07-01-75					238,092
Geological Survey									
Payment from Proceeds, Sale of Water	D76-19		29	07-01-75					29
Bureau of Mines									
Drainage of Anthracite Mines	D76-46		3,375	07-25-75					3,375
Bureau of Indian Affairs									
Road Construction	D76-20		68,470	07-01-75					68,470
TOTAL		1,030	395,793					-1,030	395,793

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Office of the Secretary									
State and Local Government Fiscal Assistance Trust Fund	D76-24		93,420	07-01-75 07-31-75 08-11-75	 -246 -18				93,156
State and Local Government Fiscal Assistance Trust Fund	D76-25	[38,391] 1/		07-01-75 09-10-75				-38,391 2/ 1/	0
	D76-25A		57,587 1/	09-10-75					57,587 1/
Loans to the District of Columbia for Capital Outlay	D76-53		39,370	09-10-75					39,370
TOTAL			132,790 BA		-264				132,526 BA
		38,391 O	57,587 O					-38,391 O	57,587 O

1/ Outlays only.
2/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Coast Guard									
Acquisition, Construction and Improvements	D76-21		707	07-01-75					707
Federal Aviation Administration									
Civil Supersonic Aircraft Development Termination	D76-22		7,686	07-01-75					7,686
Facilities and Equipment (Airport and Airway Trust Fund)	D76-23		75,824	07-01-75					75,824
Federal Highway Administration									
National Scenic and Recreational Highway	D76-55		90,000	09-24-75					90,000
TOTAL			174,217						174,217

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Rare Silver Dollar Program	D76-48		1,790	07-25-75					1,790
TOTAL			1,790						1,790

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Environmental Protection Agency

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Abatement and Control	D76-47		4,000	07-25-75 07-23-75	— -4,000				0
TOTAL			4,000		-4,000				0

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Community Services Administration									
Economic Opportunity Program									
Emergency Energy Conservation Services	D76-49		16,500	07-25-75					16,500
Community and Economic Development	D76-50		14,500	07-25-75					
				07-24-75	-14,500				0
Foreign Claims Settlement Commission									
Payment of Vietnam Prisoner of War Claims	D76-26		11,081	07-01-75					11,081
American Revolution Bicentennial Administration	D76-27		1,000	07-01-75					1,000
National Commission on Productivity and Work Quality	D76-56		1,500	09-24-75					
				10-01-75	-600				900
TOTAL			44,581		-15,100				29,481
TOTAL, ALL DEFERRALS		40,004 BA 38,391 O	3,390,559 BA 57,587 O		-71,088			-128,335 BA - 38,391 O	3,231,140 BA 57,587 O

[FR Doc.75-27807 Filed 10-10-75;2:55 pm]