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PART I

HIGHLIGHTS OF THIS ISSUE

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

WAGE AND PRICE CONTROLS—Establishment of Economic Stabilization Office and Assumption of Duties of the Cost of Living Council (2 documents) 24501, 24521

PROCESSED RAISINS—USDA proposed standards for grades; comments by 8–1–74 24515

IMPORTED GRAPEFRUIT—USDA lowers minimum grade requirements; effective 7–12–74 24513

DAIRY PRODUCTS—USDA amends regulations governing inspection and grading services; effective 7–3–74 24511

FOOD ADDITIVES—FDA order to change molecular weight range of polyurethane resins; effective 7–3–74, comments by 8–2–74 24503

COLOR ADDITIVES—FDA rule to list D&C Blue No. 9 for use in coloring certain surgical sutures; effective 9–3–74, objections by 8–2–74 24503

COSMETICS—FDA announces availability of 6-month Cosmetic Product Unusual Experience Report forms 24526

NEW DRUGS—FDA withdrawal of approval of ten applications, effective 7–13–74 24526

NEW ANIMAL DRUGS—FDA proposal on labeling and misbranding; comments by 9–3–74 24516

(Continued inside)

PART II:

NOISE EMISSION STANDARDS—EPA proposed regulations for interstate railroad equipment and facilities; comments by 10–1–74 24579

PART III:

LOW RENT PUBLIC HOUSING—HUD final regulations on Housing Assistance Payments Program; effective 7–3–74 24587

PART IV:

UNLEADED GAS—EPA proposed requirements applicable to certain rural stations; comments by 8–2–74 24615

July 3, 1974—Pages 24493–24617

PESTICIDES—
EPA exempts biuret used on sugar beets from temporary tolerance 24530
EPA establishes temporary tolerances for bird repellent .. 24529
EPA approves tolerances for methomyl, effective 7–3–74 24505

OIL AND GAS LEASES—Land Management Bureau revises drawing entry card 24523

BROKERS AND DEALERS—SEC announces investment company brokerage practices, comments by 8–23–74 24544

SAVINGS AND LOANS—Bank Board proposes to amend 90-day notice accounts (2 documents); comments by 8–5–74 24518

MILITARY TRANSPORTATION—CAB adjusts fuel cost surcharges; effective 5–1–74 24502

FREIGHT CARS—ICC revises demurrage and retention rules (2 documents); effective 7–1–74 ..... 24507, 24508

MEETINGS—
HEW, Office of Education: National Advisory Council on Indian Education, 7–18, 7–19, 7–20 and 7–21–74 24527
National Institute of Education: National Council on Education Research, 7–12–74 24527
CSC: Federal Employees Pay Council, 7–10–74 24529
FCC: Cable Television Technical Advisory Committee, 7–25 and 7–26–74 24530
Interior Department, Office of Oil and Gas: Coordinating Subcommittee of the Committee on Emergency Preparedness of the National Petroleum Council, 7–16–74 .. 24523
Agriculture Department, Forest Service: Rock Creek Advisory Committee, 7–27–74 24524
Commerce Department: Domestic and International Business Administration, President's Export Council, 7–18–74 24526

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contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Docare International, Inc.; registration as voluntary foreign aid agency ---------- 24521

AGRICULTURAL MARKETING SERVICE

Rules

Grade standards:
Certain dairy products ---------- 24511
Imported grapefruit ---------- 24513
Oranges, grapefruit, tangerines, and tangelos grown in Florida ---------- 24512
Limitations of handling; oranges (Valencia) grown in Arizona and designated part of California ---------- 24512
Milk marketing orders, Colorado area ---------- 24513

Proposed Rules

Grade standards; raisins (processed) ---------- 24515

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Forest Service.

ATOMIC ENERGY COMMISSION

Notices

Applications, etc.:
Northern Indiana Public Service Co ---------- 24527
Public Service Company of Colorado ---------- 24528
Virginia Electric & Power Co ---- 24528

CIVIL AERONAUTICS BOARD

Rules

Military transportation; fuel cost surcharges ---------- 24502

Proposed Rules

Air taxis in Alaskan Bush Routes; extension of comment period ---- 24517
Preparation of environmental impact statements; extension of comment period ---------- 24517

Notices

Charter Authority of Canadian Foreign Air Carriers; correction ---------- 24528
Hearings, etc.:
Hawaii fares investigation ------ 24529
International Air Transport Association (2 documents) ---- 24528, 24529

CIVIL SERVICE COMMISSION

Notices

Meetings:
Federal Employees Pay Council - 24529

COMMERCE DEPARTMENT

See Domestic and International Business Administration; Foreign Trade Zones Board; Maritime Administration.

CUSTOMS SERVICE

Notices

Foreign currencies; certification of rates ---------- 24521

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Meetings; President's Export Council ---------- 24526

ECONOMIC STABILIZATION OFFICE

Rules

Stabilization activities after June 30, 1974; establishment of Office ---------- 24501

Notices

Authority delegations; Chief Counsel et al ---------- 24521

EDUCATION OFFICE

Notices

Meetings; National Advisory Council on Indian Education ---- 24527

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air quality implementation plans; Wyoming ---------- 24504
Pesticides; establishment of tolerances ---------- 24505

Proposed Rules

Colorado River System; salinity control; correction ---------- 24517
Interstate railroad noise emission standards ---------- 24579
Unleaded fuel; availability ------ 24615

Notices

Avitrol Corp.; establishment of temporary tolerances ---------- 24529
Massachusetts Dept. of Public Health; issuance of specific exemption to use DDT ---------- 24530
Nipak, Inc.; exemption from the requirement of a tolerance ----- 24530

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
Avco Lycoming ---------- 24501
Beech 99 Series ---------- 24502
Grumman-American Aviation Corp ---------- 24502
Jet routes ---------- 24502

FEDERAL COMMUNICATIONS COMMISSION

Notices

Domestic public radio services; applications accepted for filing - 24531
Emergency broadcast system; closed circuit test ---------- 24531
Meetings; Cable Television Technical Advisory Committee ------ 24530

FEDERAL HOME LOAN BANK BOARD

Proposed Rules

Ninety-day notice accounts:
Federal Savings and Loan Insurance Corporation ---------- 24518
Federal Savings and Loan System ---------- 24518

FEDERAL MARITIME COMMISSION

Rules

Maritime carriers; uniform system of accounts ---------- 24506

Proposed Rules

Water carrier tariffs:
Domestic offshore commerce --- 24519
Foreign commerce ---------- 24520

Notices

Agreements filed:
City of Long Beach and Exxon Corp ---------- 24536
North Atlantic French Atlantic Freight Conference ---------- 24532
Pacific Coast European Conference ---------- 24533
Freight forwarder licenses; applicants ---------- 24532
Sea-Land Service, Inc. & Sea-Train Lines, Inc.; investigation and suspension ---------- 24534

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Alabama Power Co ---------- 24535
Algonquin Gas Transmission Co ---------- 24535
Arkansas-Louisiana Gas Co ---- 24536
Blackstone Valley Electric Co -- 24536
Connecticut Light & Power Co -- 24536
Consolidated Gas Supply Corp -- 24536
Consumers Power Co ---------- 24536
Duke Power Co. (2 documents) - 24537
Eastern Shore Natural Gas Co - 24537
El Paso Natural Gas Co ------- 24538
Florida Gas Transmission Co -- 24538
Long Island Lighting Co ------ 24538
Minnesota Power & Light Co ---- 24539
Natural Gas Pipeline Company of America ---------- 24539
North Penn Gas Co ---------- 24539
Public Service Company of New Hampshire ---------- 24539
Southwestern Public Service Co ---------- 24539
Union Electric Co ---------- 24540
Transcontinental Gas Pipe Line Corp ---------- 24540

FEDERAL RESERVE SYSTEM

Notices

Applications, etc.:
Equimark Corp ---------- 24541
Tennessee Valley Bancorp, Inc - 24541
United Missouri Bancshares, Inc ---------- 24541

FOOD AND DRUG ADMINISTRATION

Rules

Color additives; D & C Blue No 9 - 24503
Food additives; polyurethane resins for food contact ---------- 24503

Proposed Rules

Animal drugs; labeling; misbranding ---------- 24516

Notices

Cosmetic product experiences; availability of forms ---------- 24526
New drug applications; withdrawal of approval ---------- 24526

FOREIGN-TRADE ZONES BOARD

Notices

Foreign-trade zone no. 1, New York; extension ---------- 24541

(Continued on next page)

FOREST SERVICE

Notices

Environmental statement; Nezperce National Forest, Idaho County, Idaho ... 24524
Meetings; Rock Creek Advisory Committee ... 24524

GENERAL SERVICES ADMINISTRATION

Rules

Environmental impact policy; executive agency conformance ... 24505

Notices

Development of procurement regulations; opportunity for comment ... 24542

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; Food and Drug Administration; National Institute of Education.

Rules

Public contracts and property management; revocation of chapter ... 24506

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Rules

Housing assistance payments program ... 24587

INTERIOR DEPARTMENT

See Land Management Bureau; Oil and Gas Office.

INTERSTATE COMMERCE COMMISSION

Rules

Car service:
- Chicago and North Western Transportation Co ... 24510
- Chicago, Rock Island and Pacific Railroad Co ... 24510
- Great Plains Railway Co ... 24510

Demurrage of freight cars (2 documents) ... 24507, 24508

Notices

Abandonments:
- Burlington Northern, Inc ... 24548
- Lake Superior & Ishpeming Railroad Co ... 24549
- Tylerdale Connecting Railroad Co., et al ... 24550

Fourth section application for relief ... 24548
Hearing assignments (2 documents) ... 24547
Pipelines; tentative valuations ... 24547
Motor carriers:
- Alternate route deviation notices ... 24549
- Applications and certain other proceedings ... 24562
- Board transfer proceedings ... 24550
- Irregular-route carriers of property; elimination of gateways ... 24552

Western Trunk Line Committee; rate structure investigation ... 24551

LAND MANAGEMENT BUREAU

Notices

Authority delegations; area managers; Utah; Bonneville and Wasatch Resource Areas ... 24522
New Mexico; applications (2 documents) ... 24523
Simultaneous oil and gas filings; revised drawing entry card ... 24523

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests ... 24543

MARITIME ADMINISTRATION

Notices

List of free world and Polish flag vessels arriving in Cuba since Jan. 1, 1963 ... 24524

NATIONAL INSTITUTE OF EDUCATION

Notices

Meetings; National Council on Educational Research ... 24527

OIL AND GAS OFFICE

Notices

Meetings:
- National Petroleum Council Committee on Emergency Preparedness ... 24523

SECURITIES AND EXCHANGE COMMISSION

Proposed Rules

Reporting of market information; extension of comment period ... 24520

Notices

Bank sponsored investment services; comment period extended ... 24543
NASD anti-reciprocal rule and investment company brokerage practices; public proceeding ... 24544

Hearings, etc.:
- BBI, Inc ... 24543
- Channing Bond Fund, Inc., et al ... 24543
- Nevada Electronics & Video Corp ... 24545
- Nicoa Corp ... 24546
- Texaco Operations (Europe) Ltd ... 24546
- Texon Energy Corp ... 24546

STATE DEPARTMENT

See also Agency for International Development.

Notices

Advisory Committee reports on closed meetings ... 24521

TARIFF COMMISSION

Notices

Brussels Tariff Nomenclature; hearings ... 24547
Certain writing instruments and nibs therefor; finding ... 24547

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration.

TREASURY DEPARTMENT

See also Customs Service; Economic Stabilization Office.

Notices

Authority delegation, establishment; Economic Stabilization Office ... 24522

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month. In the last issue of the month the cumulative list will appear at the end of the issue.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

6 CFR
601 24501

7 CFR
58 24511
905 24512
908 24512
944 24513
1137 24513
PROPOSED RULES:
52 24515

12 CFR
545 24518
563 24518

14 CFR
39 (3 documents) 24501, 24502
75 24502
288 24502
PROPOSED RULES:
201 24517
211 24517
221 24517
261 24517
293 24517
298 24517
302 24517
312 24517
399 24517

17 CFR
240 24520

21 CFR
8 24503
9 24503
121 24503
PROPOSED RULES:
135 24516

24 CFR
1276 24588

40 CFR
52 24504
180 24505
PROPOSED RULES:
80 24617
120 24517
201 24580

41 CFR
101–25 24505
Chapter 103 24506

46 CFR
511 24506
PROPOSED RULES:
531 24519
536 24520

49 CFR
1033 (5 documents) 24507–24510

reminders

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

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

page no. and date

Army Department/Engineers Corps—Anacostia River, Washington, D.C.; use and navigation of restricted area. 19478; 6–3–74

EPA—State Continuing Planning Process 19634; 6–3–74

Next Week's Deadlines for Comments on Proposed Rules

JULY 8

EPA—Unleaded gasoline; regulations of fuels and fuel additives 16137; 5–7–74

FAA—Terminal control area at Atlanta, Georgia; alteration and expansion. 16157; 5–7–74

VOR Federal airway; alteration. 20082; 6–6–74

Transition area; designation 20082; 6–6–74

FPC—Amounts subject to refund; rate of interest 20403; 6–10–74

HEW—Head Start delegate agencies; appeal procedures, opportunity to show cause and hearings 20071; 6–6–74

HUD—Fire safety equipment in nursing homes; insurance for supplemental loans

Treasury Department/IRS—Stock dividends; distribution 20210; 6–7–74

USDA—Prunes grown in Washington and Oregon; handling regulation 21056; 6–18–74

Veterans Administration—Annual income; Domestic Volunteer Service Program 20214; 6–7–74

Veterans' education; liberalization of certification requirements 20087; 6–6–74

Veterans benefits; awards of pensions. 20086; 6–6–74

JULY 9

Commerce/NOAA—Fishing vessel capital construction fund; interim procedures 21161; 6–19–74

EPA—Hydrocarbon exhaust emission standards and test procedures to permit exclusion of methane 16904; 5–10–74

FAA—Transport category airplanes; type A passenger emergency exit capacity. 16900; 5–10–74

Hazardous Materials Regulations Board—Transportation of hazardous materials; classification of new explosives and shipment of samples of explosives 12261; 4–4–74

JULY 10

FAA—Boeing Model; airworthiness directive 16900; 5–10–74

USDA—Guidelines for preparation of environmental statements 20490; 6–11–74

Fresh pears, plums, and peaches grown in California; handling limitation 21151; 6–19–74

JULY 11

Bureau of Indian Affairs—Schools; student rights and due process procedures 20489; 6–11–74

CAB—Air taxi operators, classification and exemption 20504; 6–11–74

Air taxis in Alaskan bush routes; subcontract agreements 20503; 6–11–74

EPA—Washington Air Implementation Plan 20511; 6–11–74

FAA—Morgan City, La.; designation of transition area 20501; 6–11–74

Intracoastal City, La.; Alteration of transition area 20500; 6–11–74

Eagle Pass, Tex.; Designation of transition area 20500; 6–11–74

Hot Springs, Va.; Alteration of control zone 20500; 6–11–74

Interior Department—Sport Fisheries and Wildlife Bureau; Dismal Swamp study 18305; 5–24–74

National Park Service—Trucks, trailers, buses and tower vehicles; possession of beer and alcoholic beverages, Natchez Trace Parkway, Tennessee-Alabama-Mississippi 20489; 6–11–74

USDA—Onions; minimum quality requirements 22964; 6–24–74

JULY 12

Immigration and Naturalization Service—Alien arrest without warrant; disposition without delay 20805; 6–14–74

Public Health Service—Federal participation for capital expenditures; proposed limitations 23270; 6–27–74

Next Week's Hearings

JULY 10

Interior Department—Withdrawal of Desert National Wildlife Refuge in Nevada, to be held in Las Vegas, Nevada 20707; 6–13–74

Withdrawal of Desert National Wildlife Range; to be held in Las Vegas, Nevada 20707; 6–13–74

JULY 11

Susquehanna River Basin Commission—Proposed rules and regulations for review of projects to be held in New Cumberland, Pennsylvania 22990; 6–25–74

JULY 12

National Park Service—Sleeping Bear Dunes National Lakeshore, Michigan; wilderness proposal; to be held in Beulah, Michigan 20221; 6–7–74

Next Week's Meetings

AGRICULTURE DEPARTMENT

Forest Service—

South Kaibab Grazing Advisory Board; to be held at Williams, Arizona (open with restrictions) 7–12–74. 20515; 6–11–74

ATOMIC ENERGY COMMISSION

Advisory Committee on Reactor Safeguards—

Advisory Committee on Reactor Safeguards; to be held at Washington, D.C. (open with restrictions) 7–11 thru 7–13–74 22971; 6–25–74

Subcommittee on Clinch River Breeder Reactor; to be held at Washington, D.C. (open) 7–10–74 20719; 6–13–74

Subcommittee on Pilgrim Station, Unit 1; to be held at Washington, D.C. 7–9–74 22289; 6–21–74

Subcommittee on Regulatory Guides; to be held at Washington, D.C. (closed) 7–10–74 22446; 6–24–74

COMMERCE DEPARTMENT

Coastal Zone Management Advisory Committee; to be held at Milwaukee, Wisconsin (open with restrictions) 7–11 and 7–12–74 22177; 6–20–74

CTAB Panel on Project Independence Blueprint; to be held at Washington, D.C. (open with restrictions) 7–10–74. 22445; 6–24–74

Domestic and International Business Administration—

Computer Systems Technical Advisory Committee; to be held at Washington, D.C. (open with restrictions) 7–9–74 22970; 6–25–74

Semiconductor Technical Advisory Committee; to be held at Washington, D.C. (open with restrictions) 7–9–74 20710; 6–13–74

DEFENSE DEPARTMENT

Air Force Department—

USAF Scientific Advisory Board; to be held at Wright Patterson AFB, Ohio (closed) 7–9 and 7–10–74. 24032; 6–28–74

USAF Scientific Advisory Board Mission Resources Panel; to be held at Denver, Colorado (open) 7–11–74. 20815; 6–14–74

Department of Defense Wage Committee; to be held at Washington, D.C. (closed) 7–9–74 24033; 6–28–74

ENVIRONMENTAL PROTECTION AGENCY

Effluent Standards and Water Quality Information Advisory Committee; to be held at Arlington, Virginia (open with restrictions) 7–8 to 7–12–74. 20841; 6–14–74

FEDERAL ENERGY OFFICE

Project Independence Advisory Committee; to be held at Washington, D.C. (open with restrictions) 7–10–74. 20416; 6–10–74

FEDERAL HOME LOAN BANK BOARD

Federal Savings and Loan Advisory Council; to be held at Washington, D.C. (open) 7–8 thru 7–10–74. 24050; 6–28–74

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Meetings to be held at Washington, D.C. (closed) 7–11–74.... 21009; 6–17–74

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

FDA—

Monitors Subcommittee and Diagnostic Devices Subcommittee of Panel on Review of Cardiovascular Devices; to be held at Washington, D.C. (open with restrictions) 7–8–74..... 22178; 6–20–74

Panel on Review of Allergenic Extracts; to be held at Bethesda, Maryland (open with restrictions) 7–12–74; (closed) 7–13–74. 22179; 6–20–74

Panel on Review of Antiperspirant Drug Products; to be held at Rockville, Maryland (open with restrictions) 7–9–74; (closed) 7–10–74. 22178; 6–20–74

Panel on Review of Internal Analgesic including Antorheumatic Drugs; to be held at La Jolla, California (open with restrictions) 7–8–74; (closed) 7–9 and 7–10–74..... 22178; 6–20–74

Panel on Review of Sedative, Tranquilizer, and Sleep Aid Drugs; to be held at Rockville, Maryland (open with restrictions) 7–9–74; (closed) 7–10–74..... 22178; 6–20–74

Pediatric Panel of the Nuerophar-macology Advisory Committee; to be held at Washington, D.C. (open) 7–9–74..... 22178; 6–20–74

NIH—

Board of Scientific Counselors; to be held at Bethesda, Maryland (open with restrictions) 7–11–74. 19250; 5–31–74

Cancer Control Education Review Committee; to be held at Bethesda, Maryland (open with restrictions) 7–12–74..... 17989; 5–22–74

Social Security Administration—

Home Health Care Committee of the Health Insurance Benefits Advisory Council; to be held at Washington, D.C. (open with restrictions) 7–12–74..... 22446; 6–24–74

Nurse Anesthetist Committee of the Health Insurance Benefits Advisory Council; to be held at Washington, D.C. (open with restrictions) 7–11–74..... 22446; 6–24–74

INTERIOR DEPARTMENT

Gulf Islands National Seashore Advisory Commission;

To be held at Mobile, Alabama (open with restrictions) 7–9–74.... 22442; 6–24–74

To be held at Tahoe National Forest (open) 7–9–74.... 22443; 6–24–74

Transportation Task Group of the Committee on Energy Conservation of the National Petroleum Council; to be held at Los Angeles, California (open with restrictions) 7–9–74.... 23076; 6–26–74

MARINE MAMMAL COMMISSION

Marine Mammal Commission and Committee of Scientific Advisors on Marine Mammals; to be held at San Francisco, California (open) 7–8–74; (closed) 7–9–74..... 20732; 6–13–74

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Ad Hoc Advisory Subcommittee for Evaluation of Advanced Applications Flight Experiment; to be held at Hampton, Virginia (closed) 7–10–74.... 23097; 6–26–74

Space Program Advisory Council Physical Sciences Committee; to be held at Marshall Space Flight Center, Alabama (open with restrictions) 7–11 and 7–12–74..... 21011; 6–17–74

NATIONAL ENDOWMENT FOR THE HUMANITIES

Education Panel; to be held at Washington, D.C. (closed) 7–8 and 7–9–74. 22190; 6–20–74

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Literature Advisory Panel; to be held at New York, New York (closed) 7–9–74. 22473; 6–24–74

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Biochemistry; to be held at Washington, D.C. (closed) 7–8 and 7–9–74..... 21194; 6–19–74

Advisory Panel for Biophysics; to be held at Washington, D.C. (closed) 7–8 and 7–9–74..... 21091; 6–18–74

Advisory Panel for Genetic Biology; to be held at Washington, D.C. (closed) 7–11 and 7–12–74.. 21194; 7–19–74

Advisory Panel for Sociology; to be held at Washington, D.C. (closed) 7–11 and 7–12–74..... 21195; 6–19–74

OFFICE OF TELECOMMUNICATIONS POLICY

Frequency Management Advisory Committee; to be held at Washington, D.C. (open) 7–10–74..... 24064; 6–28–74

STATE DEPARTMENT

Study Group 5 of the U.S. National Committee for the International Telegraph and Telephone Consultative Committee (CCITT); to be held at Washington, D.C. (open with restrictions) 7–11 and 7–12–74..... 20705; 6–13–74

Weekly 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. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 12165..... Pub. Law 93–320
Colorado River Basin Salinity Control Act
(June 24, 1974; 88 Stat. 266)

H.R. 13839..... Pub. Law 93–315
International Economic Policy Act of 1972, amendment
(June 22, 1974; 88 Stat. 239)

H.R. 13998..... Pub. Law 93–316
National Aeronautics and Space Administration Authorization Act, 1975
(June 22, 1974; 88 Stat. 240)

H.R. 14368..... Pub. Law 93–319
Energy Supply and Environmental Coordination Act of 1974
(June 22, 1974; 88 Stat. 246)

S. 1585..... Pub. Law 93–318
"Woodsy Owl" and "Smokey Bear", unauthorized use, prevention
(June 22, 1974; 88 Stat. 244)

S.J. Res. 206..... Pub. Law 93–317
U.S. Military Academy, Laotian citizen, attendance
(June 22, 1974; 88 Stat. 244)

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 6—Economic Stabilization

CHAPTER VI—OFFICE OF ECONOMIC STABILIZATION, DEPARTMENT OF THE TREASURY

PART 601—STABILIZATION ACTIVITIES AFTER JUNE 30, 1974

Establishment of Chapter

The authority contained in the Economic Stabilization Act of 1970, as amended, to impose a system of mandatory wage and price controls expired at midnight on April 30, 1974. From May 1, 1974 through June 30, 1974, pursuant to Executive Order 11781, the Cost of Living Council exercised limited stabilization authority with respect to prices charged prior to May 1, 1974, and wages paid with respect to work performed prior to that date, in order to ensure an orderly termination of the Economic Stabilization Program. By Executive Order 11788, the President has abolished the Cost of Living Council and authorized the Secretary of the Treasury to continue certain limited follow-up activities as part of this orderly termination of the program, from July 1, 1974 through December 31, 1974. The Secretary of the Treasury has therefore established an Office of Economic Stabilization and has redelegated to the Director of that Office the stabilization authority delegated to the Secretary under Executive Order 11788.

A new Chapter VI, containing a new Part 601, is added to Title 6 of the Code of Federal Regulations. The new regulations provided that the Economic Stabilization Regulations in effect on June 30, 1974, are adopted by the Office of Economic Stabilization and remain effective with respect to prices charged prior to May 1, 1974 and wages paid for work performed prior to that date. Thus, for example, a report required by the provisions of part 150 of this title to be submitted to the Cost of Living Council with respect to prices charged piror to May 1, 1974, is now required to be submitted to the Director, Office of Economic Stabilization. Pay adjustments implemented on or after July 1, 1974, with respect to work performed on or before April 30, 1974, are subject to the provisions of subpart N of part 152.

Because the immediate implementation of Executive Order 11788 is required, I find that publication in accordance with normal rule making procedures is impracticable and that good cause exists for making these regulations effective in less than 30 days. Interested persons may submit comments regarding these regulations. Communications should be addressed to the Chief Counsel, Office of Economic Stabilization, Department of Treasury, 2000 M Street, N.W., Washington, D.C. 20508.

In consideration of the foregoing, Title 6 of the Code of Federal Regulations is amended by the addition of a new Chapter VI as set forth below, effective July 1, 1974.

Issued in Washington, D.C., July 1, 1974.

ANDREW T. H. MUNROE,
Director, Office of Economic Stabilization, Department of the Treasury.

Sec.
601.1 Scope.
601.2 Designated officials.
601.3 Addresses.
601.4 Forms.

AUTHORITY: Economic Stabilization Act of 1970, as amended, Public Law 92-210, 85 Stat. 743; Public Law 93-28, 87 Stat. 27; E.O. 11788, 38 FR 22113; Treasury Department Order No. 233, 39 FR ——.

§ 601.1 Scope.

(a) The Office of Economic Stabilization succeeds to and assumes the duties and responsibilities of the Cost of Living Council, effective July 1, 1974. Except as otherwise provided in this part, the provisions of Chapter I through V of this title in effect on June 30, 1974, are adopted as the rules, policies, and regulations of the Office of Economic Stabilization, and shall continue in effect on and after July 1, 1974.

(b) Authority under this part shall be exercised only with respect to prices charged prior to May 1, 1974, and wages paid with respect to work performed prior to that date.

§ 601.2 Designated officials.

All references in Chapters I through V of this title to the Cost of Living Council, the Council, the Chairman or Director of the Council, the Construction Industry Stabilization Committee, or any other official or agency exercising authority delegated by the Council shall for procedural purposes be deemed to refer to the Director, Office of Economic Stabilization. Thus, for example, reports previously required to be submittted to the Council shall, on and after July 1, 1974, be submitted to the Director, Office of Economic Stabilization.

§ 601.3 Addresses.

(a) Except as otherwise provided in this section, material previously submitted to the Cost of Living Council, 2000 M Street, N.W., Washington, D.C. 20508, shall be submitted to the Office of Economic Stabilization, Department of the Treasury, 2000 M Street, N.W., Washington, D.C. 20508.

(b) Material previously submitted to the General Counsel of the Cost of Living Council shall be submitted to the Chief Counsel, Office of Economic Stabilization, Department of the Treasury, 2000 M Street, N.W., Washington, D.C. 20508.

(c) Material previously submitted to the Office of Wage Stabilization of the Cost of Living Council at a post office box address specified in part 152 or 153 of this title shall be submitted to the Associate Director for Wages, Office of Economic Stabilization, Department of the Treasury, at the post office box address specified in part 152 or 153.

(d) Material previously submitted to the Construction Industry Stabilization Committee shall be submitted to the Associate Director for Wages, Office of Economic Stabilization, Department of the Treasury, 2000 M Street, N.W., Washington, D.C. 20508.

§ 601.4 Forms.

Submissions on and after July 1, 1974, with respect to price or wage matters shall be made on forms prescribed by and pursuant to instructions issued by the Cost of Living Council, as in effect on June 30, 1974.

[FR Doc.74-15371 Filed 7-2-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-EA-54; Amdt 39-1889]

PART 39—AIRWORTHINESS DIRECTIVE

Avco Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation regulations so as to amend AD 73-05-01 applicable to Lycoming Aircraft Engines.

A review of the subject AD discloses a need to correct P/N 74450 to read P/N 77450 and also clarify the applicability of the AD. It is intended to apply the directive to only overhauled (remanufactured) engines of the same series referenced throughout the directive. It is further intended to include a note to indicate a reference service bulletin.

Since the foregoing is basically corrective or clarifying in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the

Federal Aviation regulations is amended so as to amend AD 73-05-01 as follows:

1. Delete P/N 74450 and insert in lieu thereof P/N 77450.

2. In the applicability statement insert after the word "all" and before "engines" the words "similar series".

3. Add the note in parentheses, after the last paragraph but separate therefrom, "(Lycoming Service Bulletin No. 371A applies to this subject)".

This amendment is effective July 9, 1974.

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

Issued in Jamaica, N.Y., on June 24, 1974.

ROBERT H. STANTON,
Director, Eastern Region.

[FR Doc.74-15217 Filed 7-2-74;8:45 am]

[Docket No. 72-CE-13-AD; Amdt. 39-1888]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 99 Series Airplanes

Amendment 39-1445 (AD 72-10-4) published in the FEDERAL REGISTER on May 6, 1972, is an Airworthiness Directive (AD) which requires repetitive inspection, parts replacement as necessary, lubrication and rerigging of the landing gear retraction system on Beech 99 series airplanes to reduce the probability of landing gear system retraction malfunctions. Subsequent to the issuance of AD 72-10-4 the manufacturer has developed a hydraulic retraction system which when installed negates the need for compliance with the AD. Accordingly, AD 72-10-4 is being amended to exclude Beech Model 99 series airplanes so modified from compliance with the AD.

Since this amendment is relaxatory in nature and is in the interest of safety, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1445, AD 72-10-4, is amended by adding a paragraph G and a note to read as follows:

G) On those airplanes to which hydraulic landing gear retraction systems have been installed per Beech Kit No. 99-8010-1, compliance with this AD is no longer required.

NOTE: Notwithstanding the installation of the hydraulic landing gear retraction systems per Beech Kit No. 99-8010-1, normal maintenance practices with respect to the landing gear system prescribed in the Beech 99 Airliner Shop Manual (Part No. 99-590015B revised March, 1972, or any later revision) should be followed.

The amendment becomes effective July 8, 1974.

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

Issued in Kansas City, Missouri, on June 24, 1974.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.74-15216 Filed 7-2-74;8:45 am]

[Docket No. 74-GL-9; Amdt 39-1887]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman-American Aviation Corp.

Amendment 39-1400, AD 72-6-2 as amended by Amendment 39-1467 requires the inspection of rudder, aileron and elevator control cables on AA-1 and AA-1A aircraft. After issuing Amendment 39-1467 the agency determined that the same type design for the control cable installation exists on aircraft models AA-1B, S/N's 0001 thru 0049. In addition, a report was received of a frayed rudder cable on an AA-1B aircraft S/N 0003, detected during a routine 100 hour inspection. Therefore, the Airworthiness Directive is being amended to require inspection of the AA-1B aircraft S/N's 0001 thru 0049 rudder, aileron and elevator control cables to detect worn and broken cables.

In addition, due to the change in the FAA regional boundries, the cognizant region for this manufacturer is now the Great Lakes Region.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89) § 39.13 of Part 39 of the Federal Aviation regulations, Amendment 39-1467 is further amended by:

(1) Revising the citation and applicability paragraph of the airworthiness directive so as to include the AA-1B aircraft S/N's 0001 thru 0049 to read as follows:

72-6-2 GRUMMAN-AMERICAN AVIATION CORPORATION Formerly American Aviation. Amendment 39-1400 as Amended by Amendment 39-1467 as Amended by Amendment 39- . Applies to American Aviation (Presently Grumman-American Aviation Corporation) all Models AA-1 and AA-1A, and only Models AA-1B S/N's 0001 Thru 0049 certified in all Categories

(2) Revising paragraph (b) to read as follows:

(b) Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Great Lakes Region, may adjust the repetitive inspection interval specified in this Airworthiness Directive. Equivalent parts and inspections must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Great Lakes Region.

This amendment becomes effective July 7, 1974.

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

Issued in Des Plaines, Illinois, on June 24, 1974.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.74-15215 Filed 7-2-74;8:45 am]

[Airspace Docket No. 74-RM-6]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Jet Route

On April 25, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 14612) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would establish a jet route from Goodland, Kans., direct to Pawnee City, Nebr.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 12, 1974, as hereinafter set forth.

§ 75.100 (39 FR 699) is amended by adding:

Jet Route No. 192 From Goodland, Kans., to Pawnee City, Nebr.

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

Issued in Washington, D.C., on June 26, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-15214 Filed 7-2-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-865; Amdt. 24]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Fuel Cost Surcharges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 28, 1974.

In accordance with the procedures adopted by ER-860, May 24, 1974, providing for retroactive monthly commercial fuel cost surcharge adjustments, the Board is herein amending the surcharge provisions in Part 288 of its Economic Regulations based on commercial fuel prices reported for MAC long-range Category B services as of May 1, 1974.

The Appendix hereto[1] sets forth the computation of the cost impact on long-range international Category B MAC operations for the base year ended September 30, 1973, of commercial fuel price

[1] Filed as part of the original document.

changes as of May 1, 1974, based upon the methodology employed in ER-862.[2] On the basis of these results, we will amend the surcharge to increase the rate from 11.65 to 11.99 percent of the existing interim rates retroactive to May 1, 1974. This rate will continue as a temporary rate provision on and after June 1, 1974, until review of commercial fuel prices as of that date is completed.

In consideration of the foregoing, the Board hereby amends Part 288 of the Economic regulations (14 CFR Part 288) as follows:

Amend § 288.7(a)(1) by amending the second proviso of the paragraph following the tables to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(a) * * *

(1) * * *; *And provided further*, That (i) effective May 1 through May 31, 1974, the total minimum compensation for transportation with regular turbojet, wide-body jet and DC-8F-61-63 aircraft, pursuant to the rates specified in subparagraph (1) of this paragraph, shall be further increased by a surcharge of 11.99 percent, and (ii) on and after June 1, 1974, the total minimum compensation for transportation with regular turbojet, wide-body jet, and DC-8F-61-63 aircraft, pursuant to the rates specified in paragraph (a)(1) of this section shall include a temporary surcharge of 11.99 percent, subject to amendment (upward or downward) upon final determination by the Board.

* * * * *

(Secs. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758 and 771, as amended; 49 U.S.C. 1324, 1373 and 1386)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-15249 Filed 7-2-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

PART 9—COLOR CERTIFICATION

D&C Blue No. 9

In the FEDERAL REGISTER of May 4, 1973 (38 FR 11095), the Commissioner of Food and Drugs proposed to amend Part 8 (21 CFR Part 8) by establishing a regulation listing D&C Blue No. 9 as a color additive, subject to certification, for use in coloring cotton and silk surgical sutures for general and ophthalmic surgery, and by deleting the item "D&C Blue No. 9" from the provisional listing of color additives in § 8.501(b) (21 CFR 8.501(b)). Additionally, it was proposed to amend Part 9 (21 CFR Part 9) by revoking § 9.245 (21 CFR 9.245). The proposal was based on a petition filed by Davis and Geck Division, American Cyanamid Company, Danbury, CT 06813 and other relevant material. No comments were received in response to this proposal.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c)(1), and (d), 74 Stat. 399-403 as amended; 21 U.S.C. 376(b), (c)(1), and (d)) and the transitional provisions accompanying the Color Additive Amendments of 1960 (sec. 203, 74 Stat. 404-407; 21 U.S.C. 376 note) and under authority delegated to the Commissioner (CFR 2.120), Parts 8 and 9 are amended as follows:

1. In part 8:

§ 8.501 [Amended]

a. By deleting "D&C Blue No. 9" from the listing of color additives in § 8.501(b).

b. By adding the following new section:

§ 8.4039 D&C Blue No. 9.

(a) *Identity.*—The color additive D&C Blue No. 9 is principally 7,16-dichloro-6,15 - dihydro - 5,9,14,18 - anthrazinetetrone.

(b) *Specifications.*—D&C Blue No. 9 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Volatile matter (at 135° C.), not more than 3 percent.
Matter extractable by alcoholic HCl (0.1 ml of concentrated hydrochloric acid per 50 ml of 95 percent ethyl alcohol), not more than 1 percent.
2-Amino anthraquinone, not more than 0.2 percent.
Organically combined chlorine in pure dye, 13.0-14.8 percent.
Lead (as Pb), not more than 20 p/m.
Arsenic (as As), not more than 3 p/m.
Pure color, not less than 97 percent.

(c) *Uses and restrictions.*—D&C Blue No. 9 may be safely used for coloring cotton and silk surgical sutures, including sutures for opthalmic use, subject to the following restrictions:

(1) The dyed suture shall conform in all respects to the requirements of the U.S.P.

(2) The quantity of the color additive does not exceed 2.5 percent by weight of the suture.

(3) When the sutures are used for the purposes specified in their labeling, the color additive does not migrate to the surrounding tissue.

(4) If the suture is a new drug, a new-drug application approved pursuant to section 505 of the act is in effect for it.

(d) *Labeling.*—The label of the color additive shall conform to the requirements of § 8.32.

(e) *Certification.*—All batches of D&C Blue No. 9 shall be certified in accordance with regulations in subpart A of this part.

§ 9.245 [Reserved]

2. In part 9 by revoking § 9.245 D&C Blue No. 9 and by reserving it for future use.

Any person who will be adversely affected by the foregoing order may at any time on or before August 2, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective September 3, 1974, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b), (c)(1) and (d), 74 Stat. 399-403 as amended; 21 U.S.C. 376(b), (c)(1) and (d) and the transitional provisions accompanying the Color Additive Amendments of 1960 (Sec. 203, 74 Stat. 404-407; 21 U.S.C. 376 note).)

Dated: June 27, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-15202 Filed 7-3-74;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYURETHANE RESINS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 4B2943) filed by BASF Wyandotte Corp., 1609 Biddle Ave., Wyandotte, MI 48192, and other relevant material, concludes that § 121.2522(a)(2) (21 CFR 121.2522(a)(2)) should be amended by changing the molecular weight from a range of 680-1,635 to a minimum of 400 and the oxyproplyene content from a range of 3-9 moles to a minimum of 1.5 moles for the item α,α',α'-[propylidynetris(methylene)] tris [*omega*-hydroxypoly(oxypropylene)] used in the production of polyurethane resins intended for food-contact use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2522(a)(2) is amended by

[2] Adopted June 11, 1974.

revising the listing for the item "α,α'α''-[Propylidynetris(methylene)] tris [*omega* - hydroxypoly(oxypropylene) (3 - 9 moles)], molecular weight range 680–1,635" to read as follows:

§ 121.2522 Polyurethane resins.

* * * * *

(a) * * *

(2) * * *

α,α',α'' - [Propylidynetris(methylene)] tris (*omega*-hydroxypoly (oxypropylene) (minimum 1.5 moles)), minimum molecular weight 400.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before August 2, 1974 file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: June 27, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-15199 Filed 7-2-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Wyoming; Approvals of Plan Revisions

On May 31, 1972 (37 FR 10903), pursuant to section 110(a) of the Clean Air Act, and 40 CFR Part 51, the Administrator approved the compliance schedules set forth in Wyoming's Implementation Plan. At that time, the Administrator also approved dates by which National Ambient Air Quality Standards were to be attained. Wyoming, after notice and public hearings, submitted to the Environmental Protection Agency (EPA) revisions to the compliance schedule and attainment date portions of the approved plan. Action on these compliance schedules was proposed on November 23, 1973 (38 FR 32267). This publication approves these revisions pursuant to provisions of 40 CFR 51.8.

The revisions change the date for attainment of the secondary particulate matter standard throughout the State. In the Cheyenne Intrastate Region, the attainment date is changed from June 30, 1973 to January 31, 1974. EPA considers this attainment date to be within a reasonable time from Wyoming's plan approval.

In the Casper Intrastate Region, the particulate matter attainment date is changed from "presently below secondary standards" to September 30, 1976. This attainment date reflects the final compliance date for the Pacific Power & Light Company's (PP&L) power plant located in Glenrock. The magnitude and complexity of PP&L's particulate matter emission control program necessitates the September 1976 final compliance date. The final particulate matter compliance date for all other sources in this region occurs before July 1, 1974. Therefore, EPA considers the attainment date for the Casper Intrastate Region to be within a reasonable time from Wyoming's plan approval.

In the Wyoming Intrastate Region, the particulate matter attainment date has been changed from "presently below secondary standards" to May 15, 1977. This attainment date reflects the final compliance date for the Black Hills Power & Light's power plants located in Wyodak and Osage. These facilities will be retired at the time Black Hills Power & Light's new power plant located in Wyodak becomes operational. Also, the Montana-Dakota Utilities (MDU) power plant located in Sheridan will be in final compliance by December 31, 1976. MDU plans to accomplish this by an orderly shutdown and retirement program. In addition, Utah Power & Light's power plant located in Kemmerer will be in final compliance by November 30, 1976. The magnitude and complexity of Utah Power & Light's particulate matter emission control program necessitates the November 1976 final compliance date. Further, Stauffer Chemical Company's phosphate rock operations at Leefe will be in final compliance by December 31, 1975. This will be accomplished by depletion of its ore reserves. The final particulate matter compliance date for all other sources in this region occurs before July 1, 1974. Therefore, the attainment date for the Wyoming Intrastate Region is considered by EPA to be within a reasonable time from Wyoming's plan approval.

The Wyoming Environmental Quality Council approved and submitted to EPA compliance schedule revisions for certain facilities in the State. These compliance schedule revisions establish a new date by which an individual air pollution source must comply with an emission limitation specified by the Implementation Plan. This date is indicated in the table below under the heading, "Final Compliance Date". In some cases, the schedule includes incremental steps towards compliance with interim dates for achieving these steps. While the table below does not list these interim dates, the actual compliance schedule does. In each case, the record of the appropriate public hearing has been reviewed and considered before the Administrator made his final decision.

On November 23, 1973 (38 FR 32267), the Administrator published as proposed rulemaking revisions to Wyoming's compliance schedules and to the dates by which the national standards are to be attained. At that time, the Administrator afforded a thirty-day period for public comments. One comment, primarily addressing the procedures employed as they affected opportunity for public input, was received. An examination of the procedures relating to the adoption of the Wyoming revisions shows complete consistency with the Federal requirements contained in 40 CFR 51.4 and 51.6. Further, it is considered that the described thirty-day public comment period together with the availability of the proposed revisions for public inspection also assured ample opportunity for public participation.

The compliance schedule and attainment date revisions are available at the appropriate state agency and at the Regional Office of the Environmental Protection Agency. Also, an evaluation of each compliance schedule is available for public inspection at the Regional Office of the Environmental Protection Agency. The locations of these offices are as follows:

Environmental Protection Agency
1860 Lincoln Street, Suite 900
Denver, Colorado 80203.

Wyoming Department of Environmental Quality
State Office Building.
Cheyenne, Wyoming 82002.

These regulations are effective on or before August 2, 1974.

(Sec. 110, Clean Air Act (42 U.S.C. 1857c-5))

Dated: June 25, 1974.

JOHN QUARLES,
Acting Administrator, Environmental Protection Agency,

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart ZZ—Wyoming

1. §52.2620, paragraph (d) is revised to read as follows:

§ 52.2620 Identification of plan.

* * * * *

(d) Plan revisions were submitted on February 9, March 1, April 18, and May 29, 1973.

2. Section 52.2627 is added as follows:

§ 52.2627 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State.

WYOMING

Source	Location	Regulations involved	Date of Adoption	Effective Date	Final Compliance Date
Pacific Power & Light	Glenrock	14(b), (e), (h)	Jan. 22, 1971	Immediately	Sept. 1, 1976
Montana-Dakota Utilities	Sheridan	14(b), (e), (h)	do	do	Dec. 31, 1976
Utah Power & Light	Kemmerer	14(b), (e), (h)	do	do	Nov. 30, 1976
Black Hills Power & Light	Wyodak	14(b), (e), (h)	do	do	May 15, 1977
Do	Osage	14(b), (e), (h)	do	do	Do.
American Oil	Casper	14(b), (e), (g)	do	do	Jan. 31, 1974
Basins Engineering	Wheatland	14(b), (e), (f), (g)	do	do	Nov. 1, 1973
Stauffer Chemical Co	Leefe	14(b), (e), (f), (g)	do	do	Dec. 31, 1975
Baroid Division of National Lead	Osage	14(b), (e), (f), (g)	do	do	Do.
Holly Sugar	Torrington	14(b), (e), (f), (g)	do	do	Dec. 1, 1973
Do	Worland	14(b), (e), (f), (g)	do	do	Do.
Reeves Concrete	Gillette	14(b), (e), (f), (g)	do	do	Do.
Do	Sheridan	14(b), (e), (f), (g)	do	do	Do.
Do	Buffalo	14(b), (e), (f), (g)	do	do	Do.
American Colloid	Lovell	14(b), (e), (f), (g)	do	do	Dec. 31, 1973
Star Valley Swiss Cheese	Thayne	14(b), (e), (h)	do	do	Do.
Sheridan Commercial	Sheridan	14(b), (e), (f), (g)	do	do	Do.
Federal Bentonite	Upton	14(b), (e), (f), (g)	do	do	Mar. 31, 1974
Do	Colony	14(b), (e), (f), (g)	do	do	Feb. 28, 1974
Wyo-Ben Products	Greybull	14(b), (e), (f), (g)	do	do	Jan. 30, 1974
Do	Lovell	14(b), (e), (f), (g)	do	do	Do.
FMC	Kemmerer	14(b), (e), (f), (g)	do	do	Oct. 1, 1973
Gunn-Quealy Coal	Rock Springs	14(b), (e), (f), (g)	do	do	Jan. 31, 1974
Allied Chemical	Green River	14(b), (e), (f), (g)	do	do	June 1, 1974
Town of Byron	Byron	13	do	do	July 1, 1974
Town of Chugwater	Chugwater	13	do	do	Do.
Town of Cowley	Cowley	13	do	do	Do.
Town of Lovell	Lovell	13	do	do	Do.
Big Horn County	Big Horn County.	13	do	do	Do.

§ 52.2628 [Amended]

3. In § 52.2628, the attainment date table is revised by replacing the date "June 30, 1973" for the attainment of the secondary standard for particulate matter in the Cheyenne Intrastate Region with the date "January 31, 1974" and by replacing the letter "b" for the attainment of the secondary standard for particulate matter in the Casper Intrastate and Wyoming Intrastate Regions with the dates "September 30, 1976" and "May 15, 1977" respectively.

[FR Doc.74-15184 Filed 7-2-74;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Methomyl

Tolerances have been established for residues of the insecticide methomyl (*S*-methyl-*N*-[(methylcarbamoyl)oxy]thioacetimidate) in or on the raw agricultural commodity group leafy vegetables at 0.2 part per million. A petition (PP 4F1448) was filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of new, higher tolerances for residues of methomyl in or on the raw agricultural commodities spinach at 6 parts per million, broccoli and celery at 3 parts per million, and brussels sprouts and cauliflower at 2 parts per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.253 is amended by revising the paragraphs "2 parts per million * * *" and "0.2 part per million * * *" and by inserting the new paragraphs "6 parts per million * * *" and "3 parts per million * * *", as follows:

§ 180.253 Methomyl; tolerances for residues.

* * * * *

6 parts per million in or on spinach.

* * * * *

3 parts per million in or on broccoli and celery.

2 parts per million in or on beans (succulent), brussels sprouts, cauliflower, grapefruit, lemons, mint hay, oranges, and tangerines.

* * * * *

0.2 part per million (negligible residue) in or on the commodity groups cucurbits, fruiting vegetables, leafy vegetables (except broccoli, brussels sprouts, cabbage, cauliflower, celery, endive (escarole), lettuce, and spinach), root crop vegetables, and sorghum grain and soybeans.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before August 2, 1974 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on July 3, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 27, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-15308 Filed 7-2-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-145]

PART 101-25—GENERAL

Subpart 101-25.1—General Policies

ENVIRONMENTAL IMPACT POLICY

This amendment provides general policy regarding executive agency conformance with national environmental preservation and enhancement programs in the acquisition, use, and disposal of personal property.

The table of contents for Part 101-25 is amended by the addition of the following new entry:

Sec.
101-25.111 Environmental impact policy.

Section 101-25.111 is added as follows:

§ 101-25.111 Environmental impact policy.

(a) From time to time, Congress enacts legislation pertaining to the protection and enhancement of the Nation's environment; e.g., the National Environmental Policy Act of 1969 (42 U.S.C. 4321). The objective of such legislation is, among other things, the improvement of the relationship between people and their environment and the lessening of hazards affecting their health and safety. It is the policy of the General Services Administration to appropriately implement the various provisions of these Acts of Congress as fully as statutory authority permits in support of the national policy.

(b) With respect to the procurement, management, and disposal of personal property, the implementation of national environmental policy is provided through amendments to the regulations of GSA, changes to Federal specifications and standards documents, as appropriate,

and other actions as may be required when expediency is of prime importance. Further, the Federal regulatory agencies have imposed restrictions applicable to the procurement, use, and disposal of items supplied through the Federal supply system that are known to contain components or possess qualities that have an adverse impact on the environment or that result in creating unsafe or unhealthy working conditions. Each agency, therefore, shall take action as necessary to ensure that the objectives and directives of the National Environmental Policy Act, other environmental statutes, and applicable regulations are met; especially the directive that environmental concerns, effects, and values shall be given appropriate consideration with economic and technical issues in decisionmaking. Action should include a continuing review of the FEDERAL REGISTER and issuances promulgated by the Federal regulatory agencies for guidance applicable to the procurement, use, and disposal of items that are known to contain components or to possess qualities that have an adverse impact on the environment or that result in creating unsafe or unhealthy working conditions.

(Sec. 205(c) 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective July 3, 1974.

Dated: June 25, 1974.

DWIGHT A. INK,
Acting Administrator of General Services.

[FR Doc.74-15228 Filed 7-2-74;8:45 am]

CHAPTER 103—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

REVOCATION OF CHAPTER

Material presently contained in Chapter 103, Title 41 of the Code of Federal Regulations has become obsolete and/or does not affect the public. Accordingly Chapter 103, Title 41 is hereby revoked and reserved. Since the public is not affected by this revocation, public participation is deemed unnecessary.

Effective date: This revocation shall be effective July 3, 1974.

Dated: June 27, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-15205 Filed 7-2-74;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 73-68; General Order 5, Amdt. 7]

PART 511—REPORTS BY COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Uniform System of Accounts for Maritime Carriers

On November 1, 1973, the Federal Maritime Commission published in the FEDERAL REGISTER a notice to amend General Order 5, which General Order generally requires the filing of financial reports by common carriers by water in the domestic offshore trades. The principal purpose of the amendment was to allow carriers not using the "Uniform System of Accounts for Maritime Carriers" (46 CFR 282) prescribed by the Maritime Administration (MARAD)[1] and, to a certain extent, the Commission itself,[2] to use an alternate reporting system.

In proposing the amendment of General Order 5 under consideration, the Commission explained:

> • • • that not all carriers filing FMC-64 Reports are subject to [MARAD] Part 282 of title 46 CFR. As a result, several carriers operating in the domestic offshore trades employ accounting systems unique to themselves.
>
> • • • • •
>
> In order to develop a regular flow of information regarding the content of accounts and their assembly into reporting formats from carriers to the Commission for those carriers not using the "Uniform System of Accounts for Maritime Carriers," it is not believed to be necessary to employ MARAD • • • record keeping requirements on such carriers.

In lieu, therefore, of requiring compliance with MARAD record keeping requirements, the Commission proposed to amend General Order 5 by the addition of a new paragraph (b) to § 511.5, reading as follows:

> (1) When a carrier does not record its accounting data in accordance with Part 282 of this title it shall file annually with the Commission data describing: the information recorded in each of the General Ledger accounts it employs; any changes in such description; new accounts or deleted accounts since the last period reported on; and the Part 282 account number under which it will report the data in the FMC-64 Report.
>
> (2) Such data shall be filed by March 1 of each year encompassing all changes through December 31 of the preceding year.[3]

In so doing, the Commission noted that while it:

> • • • recognizes that this solution is not as perfect from the Commission viewpoint as outright uniform accounting • • • it considers that individual carrier internal information needs, and existing accounting structures designed to meet those needs, should not be disrupted.

Comments in response to the Commission's notice of proposed rulemaking were received from Sea-Land Service, Inc. (Sea-Land), American President Lines, Ltd. (APL) and by the Liner Counsel of the American Institute of Merchant Shipping (AIMS). A reply to comments was filed by Hearing Counsel, to which only Sea-Land answered. The Commission has carefully considered the position of the parties and the final rules promulgated herein have been drafted with the parties' comments and arguments in mind. Comments and arguments not specifically discussed or reflected herein have been considered and found not relevant, material or justified.

While Sea-Land believes that the Commission's proposed "amendments represent an approach which is at once practical and restrained", it has suggested one minor revision. Sea-Land is of the opinion that the March 1 date in § 511.5(b)(2) is too soon in the calendar year for Sea-Land to report the required information due to the burden on Sea-Land's Transportation Accounting Group occasioned by numerous other regulation and financial reporting requirements in that same time period. Thus, it urges that the "March 1" date be changed to "April 30".

Hearing Counsel oppose Sea-Land's request that the proposed § 511.5(b)(2) be amended to establish April 30 as the reporting date, pointing out that since General Order 5 reports are required to be filed within 120 days of the carrier's fiscal year, to permit Sea-Land to file its accounting data on the same day would not allow the Commission sufficient time to analyze "translation" material prior to receipt of the General Order 5 data itself.[4]

In the final rules promulgated herein, § 511.5(b)(2) has been revised to read as follows:

> (2) Such data shall be filed by April 1 of each year encompassing all changes through December 31 of the preceding year.

The April 1 filing date, we feel, presents a fair and reasonable compromise between the March 1 filing date originally proposed and the April 30 date suggested by Sea-Land. Moreover, it should allow the Commission's staff sufficient time to analyze the translation material prior to receipt of the General Order 5 data itself.

APL argues that the proposed revisions should not be promulgated but rather that a uniform system of accounts for all carriers of military cargo be prescribed. APL believes that the history of the government/steamship industry effort to develop "acceptable constraints" upon the process of competitive bidding, for military cargo, beginning with the Sealift Procurement and National Security Study (SPANS) and continuing through the proposed revision to MARAD's General Order 22 and the revisions of General Order 5 at issue here, reflects the necessity for a uniform system of accounts for carriers who transport military cargo.

APL is convinced that the proposed revisions at issue here would frustrate

[1] MARAD has recently revised its Uniform System of Accounts (General Order 22). See 39 FR 16445.

[2] In this connection, § 511.5 of General Order 5 presently provides: "For purposes of filing FMC-64 Reports only the Uniform System of Accounts found in Part 282 of this title is prescribed."

[3] The other amendment of General Order 5 proposed in this rulemaking proceeding is a minor one and would merely designate existing § 511.5 as § 511.5(a).

[4] Sea-Land, in its Answer to Hearing Counsel's Reply, suggests "in the spirit of compromise" that the translation material "be provided as soon as it is finally prepared, but in any event no later than 15 days prior to submission of the General Order data itself."

both the SPANS recommendations and the FMC–MARAD program. In this regard, it contends that uniform cost accounting is the foundation of any cost based floor under military cargo rates and that the proposed revisions do not require uniformity because while they prescribe reporting in the General Order 22 format, they do not require a carrier to keep its books in that fashion. This, according to APL, means that the report of a carrier who does not keep its books in the General Order 22 format but must report using General Order 22 will have to be translated from company records and "will have at best an element of artificiality and at worst present an opportunity for teleological embroidery."

APL is of the opinion that proposed § 511.5(b) will fail to remedy the asserted lack of uniformity since it fails to take into account serious flaws in the process of translating a company ledger item into a General Order 22 account, e.g., where the company ledger item corresponds to two or more General Order 22 accounts.

As a remedy for these alleged defects in the proposed section 511.5(b), APL urges that the Commission request the Department of Defense to add a new Article to the MSC Container Agreement which would require any carrier who holds a Container Agreement covering the carriage of military cargo on designated route indices to maintain his books, records and accounts in the manner prescribed in MARAD General Order 22. APL further suggests that after the Container Agreement is so amended that the Commission amend General Order 5 to require every common carrier by water, subject to the provisions thereof, and which also transports Department of Defense container cargoes on designated route indices pursuant to the Military Sealift Procurement System, to keep books, records, and accounts relating to its vessels in accordance with MARAD General Order 22.

Hearing Counsel would reject APL's proposal that the Secretary of Defense or his delegate, the Commander, Military Sealift Command, impose a uniform system of accounts on ocean carriers submitting bids under the RFP system of procurement of cargo space for military cargo. It is the opinion of Hearing Counsel that the Department of Defense lacks the legal authority to impose such a uniform system of accounts on ocean carriers who carry military cargo pursuant to the MSC Container Agreement. We agree that APL's approach is without basis in law.

An examination of the Armed Services Procurement Act of 1947, 10 U.S.C. 2301, et seq., as well as the Armed Services Procurement Regulations issued thereunder, 32 CFR Parts 1–8, has failed to reveal any Congressional intent to allow the Secretary of Defense or any of his delegates to make parties seeking to sell goods or services to any part of the Defense Department keep their books in accordance with the directives of the Secretary of Defense.

AIMS believes that the proposed regulation "would abort the current effort to develop uniform cost accounting standards for liner companies", and that in any case the regulation appears "inappropriate" until MARAD has revised its General Order 22 and the Cost Information Account System (CIRS) has been finalized. Thus, AIMS recommends that the proposed regulation be rescinded.

Hearing Counsel do not agree with AIMS' understanding of the proposed rule. Thus, Hearing Counsel would reject AIMS' argument that the proposed rule "would abort the current effort to develop uniform cost accounting standard for liner companies." To support its position that the proposed revision should be adopted, Hearing Counsel refer to Recommendation No. 4 of SPANS, which states:

> * * * Based upon the premise that the following steps are inherently beneficial to the industry, and in order to facilitate the possible future adoption of a cost based rate making system, it is also recommended that MARAD and FMC develop a standardized EDP-based industry cost accounting system which could be tailored to the needs of individual companies, yet which represents as much commonality as is possible within the industry. Since completion of this effort is necessary prior to adoption of any cost-based system, should a cost-based system be required in the future, the most time-consuming initial steps will have been completed.

Hearing Counsel's position is well taken. We too fail to understand AIMS' insistence that the proposed revision of General Order 5 under consideration here would frustrate the development of a uniform cost accounting system. Certainly, until such time as the Commission acquires the authority to prescribe such a system of accounts, we believe that the amendment proposed in this proceeding does present the most reasonable and effective way of insuring some uniformity in the cost accounting reports filed by regulated carriers.

AIMS' suggestion that the proposed amendment of General Order 5 await the finalization of MARAD General Order 22 and CIRS is equally unacceptable. In the first place, revisions to MARAD General Order 22 have most recently been finalized and the changes effected therein in no way affect the substantive provisions of this rulemaking. As for CIRS, we concur with Hearing Counsel that the system will probably not be operational before 1975 at the earliest, and we see no need to delay revision of General Order 5 until that occurrence.

Therefore, pursuant to the authority of sections 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 820 and 841(a)) and section 4 of the Administrative Procedure Act (5 U.S.C. 553), Title 46 CFR, Chapter IV, § 511.5 is amended as follows.

1. The existing text of § 511.5 is designated as paragraph (a).

2. A new paragraph (b) is added to § 511.5 reading as follows:

(b) When a carrier does not record its accounting data in accordance with Part 282 of this title, it shall file annually with the Commission data describing: the information recorded in each of the General Ledger accounts it employs; any changes in such description; new accounts or deleted accounts since the last period reported on; and the Part 282 account number under which it will report the data in the FMC–64 Report. Such data shall be filed by April 1 of each year encompassing all changes through December 31 of the preceding year.

Effective date: The recording requirements prescribed herein shall be observed by affected carriers in reports submitted by them during their Fiscal Year beginning on or after January 1, 1975, and every reporting period subsequent thereto.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.74-15251 Filed 7-2-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Third Rev. S.O. 1119]

PART 1033—CAR SERVICE

Demurrage on Freight Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of June, 1974.

It appearing, that an acute shortage of all types of railroad-owned freight cars exists throughout all sections of the country; that certain carriers are unable to furnish an adequate supply of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are ordered and held by shippers for loading which are later returned to the carrier without being used in transportation service; that such practices immobilize large numbers of freight cars needed by shippers for the transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective to control such use of freight cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1119 Demurrage on freight cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its demurrage rules and charges.

(b) *Description of Cars Subject to this Order.* Except as otherwise provided in

paragraph (c) herein, this order shall apply to freight cars which are subject to demurrage rules applicable to detention of cars.

(c) *Exceptions.*[1] (1) This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 391, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1119 through 1121 under the headings: "Class 'R'—Refrigerator Car Type," "Class 'G'—Gondola Car Type," "Class 'H'—Hopper Car Type," "Class 'F'—Flat Car Type." (See exceptions (2) and (3).)

(2) *Exception.*[1] This order shall not apply to cars with mechanical designations FA, FL, RA, RAM, RB, RBL, RS, RSB, RSM, or RSTC.

(3) *Exception.* The provisions of this order shall not apply to freight cars while subject to the provisions of Agent B. B. Maurer's Tariffs 8–0, I.C.C. H–30; 551–L, I.C.C. H–50; 552–P, I.C.C. H–47; and 719–F, I.C.C. H–53; nor to perishable protective charges published in Agent W. T. Jamison's National Perishable Protective Tariff No. 18, I.C.C. 37; supplements thereto, or reissues thereof.

(d) *Cars Subject to this order.* (1) When empty cars placed on orders are not used in transportation service, demurage will be charged for all detention, including Saturdays, Sundays, and holidays (see list in Item 25, Freight Tariff 4–I, I.C.C. H–36), from actual or constructive placement until released, with no free time allowance.

(2) Charges for cars detained as described in paragraph (1) shall be assessed at the following rates, until car is released:

$10.00 per car per day, or fraction of a day, for each of the first four days.
$20.00 per car per day, or fraction of a day, for each of the next two days.
$30.00 per car per day, or fraction of a day, for each of the next two days.
$50.00 per car per day for each subsequent day.

(3) In the application of this section, a demurrage day consists of a 24-hour period, or fraction thereof, computed from the hour of actual or constructive placement of the car, except that on cars placed in advance of the date for which ordered for loading, time will be computed from 7 a.m. of the day for which so ordered.

(4) When a car so ordered and placed on a public track or on an industrial interchange track is not used and no advice from the party who ordered the car has been received within 48 hours (two days), exclusive of Saturdays, Sundays, and holidays (see list in Item 25, Freight Tariff 4–I, I.C.C. H–36), from the first 7 a.m. after placement (see paragraph (3)), the car shall be removed and treated as released at the time of removal. Such cars shall be subjected to demurrage charges as provided herein.

[1] Boxcars, covered hopper cars, special car-types, bunkerless refrigerator cars, ice refrigerator cars and tank cars eliminated.

(5) (i) In the event a car is rejected account not suitable for loading, this section will not apply if the party ordering the car advises the carrier of rejection and condition that caused the car to be rejected, within 48 hours (two days) exclusive of Saturdays, Sundays, and holidays (see list in Item 25, Freight Tariff 4–I, I.C.C. H–36) after actual placement (see paragraph (3)).

(ii) If rejection has not been made within time specified in paragraph (5) (i), demurrage will be charged for all detention, computed under paragraphs (1), (2), and (3) of this section.

(e) If the application of demurrage rules published in any tariff lawfully in effect results in demurrage charges greater than those provided in this order, such greater charges shall apply.

(f) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(g) *Regulations Suspended — Announcement Required.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to its tariff affected hereby, in substantial accordance with the provisions of Rule 9(k) of the Commission's Tariff Circular No. 20, announcing such suspension.

(h) *Effective date.* This order shall become effective at 7 a.m., July 1, 1974.

(i) *Expiration date.* This order shall expire at 6:59 a.m., October 1, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.74–15258 Filed 7–2–74;8:45 am]

[Fourth Rev. S.O. 1124]

PART 1033—CAR SERVICE

Demurrage and Free Time on Freight Cars

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 24th day of June, 1974.

It appearing, that an acute shortage of freight cars exists throughout the country; that certain carriers are unable to furnish adequate supplies of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are held by shippers for excessive periods awaiting loading, unloading, or disposition instructions; that such practices immobilize large numbers of freight cars needed by shippers for the transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective to control such use of freight cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1124 Demurrage and free time on freight cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Application.* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii)[1] This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 391, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1119 through 1121 under the headings: "Class 'R'—Refrigerator Car Type," "Class 'G'—Gondola Car Type," "Class 'H'—Hopper Car Type," "Class 'F' Flat Car Type." (See exceptions (iii), (iv), (v), (vi), (vii), (viii), and (ix).)

(iii) *Exception.*[1] This order shall not apply to cars with mechanical designations FA, FL, RA, RAM, RB, RBL, RS, RSB, RSM, or RSTC.

(iv) *Exception.* This order shall not apply to cars held at or outside of ocean, Great Lakes, or river ports, for loading or unloading with freight requiring transfer between rail and water carriers.

(v) *Exception.* This order shall not apply to freight cars of Mexican ownership while held by or for shippers at Mexican border crossings, viz:

Brownsville, Tex.	Douglas, Ariz.
Laredo, Tex.	Naco, Ariz.
Eagle Pass, Tex.	Nogales, Ariz.
Presidio, Tex.	Calexico, Calif.
El Paso, Tex.	

(vi) *Exception.* This order shall not apply to cars subject to Freight Tariff

[1] Boxcars, covered hoppers cars, special car-types, bunkerless refrigeratod cars, ice refrigerator cars and tank cars eliminated.

8-0, I.C.C. H-30, issued by B. B. Maurer, supplements thereto, or reissues thereof, Car Demurrage Rules on Cars Used in Handling Coal or Coke Products at Coal Mines, etc.

(vii) *Exception.* This order shall not apply to cars made from exempt from demurrage by the provisions of Section B, Rule 1, Item 900, of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(viii) *Exception.* The provisions of Rule 8, Item 935 of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof, or similar provisions of other applicable demurrage, detention, or storage tariffs shall govern the adjustment, cancellation, or refund of demurrage assessed as a result of the causes described in such rules.

(ix) *Exception.* Exceptions to this order may be authorized to carriers by the Railroad Service Board. Request for exceptions must be submitted in writing to Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Each such request must specifically identify the type of cars for which an exemption is desired and must clearly state the reasons why such cars cannot be utilized in other services.

(x) The terms "loading", "unloading", "constructive placement", and "forwarding directions" as defined in General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply to cars subject to this order.

(xi) The term "holidays" means holidays as listed in Item 25 of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(2) *Free time.* (i) Not more than a total of 48 hours' free time, computed in accordance with the provisions of the applicable tariffs naming demurrage or detention rules and charges, shall be allowed for loading, unloading, or furnishing of forwarding or disposition instructions on cars held for orders.

(ii) If the maximum free time authorized in applicable tariffs is less than the 48-hour period described in paragraph (i) of this section, the free-time periods, if any, provided in such tariffs shall apply.

(3) *Demurrage, detention, or storage charges—cars not subject to average demurrage basis.* (i) After the expiration of the free-time period described in Part (2) of this order, or without free-time allowance when none is provided, demurrage charges shall be assessed at the following rates, until car is released:

$10.00 per car per day, or fraction of a day, for each of the first two days.
$20.00 per car per day, or fraction of a day, for each of the next two days.
$30.00 per car per day, or fraction of a day, for each of the next two days.
$50.00 per car per day, or fraction of a day, for each subsequent day.

(ii) Except as provided in demurrage Rule 6, Section B of General Car Demurrage Tariff 4-J, I.C.C. H-59, the applicable demurrage charges provided herein will accrue on all Saturdays, Sundays, and holidays subsequent to the free time, or without free time when none is provided, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins, provided such last day of free time begins to run at or before 7 a.m. or expires at or before 11:59 p.m. of the day immediately prior to the Saturday, Sunday, or holiday.

(4) *Cars subject to average demurrage basis.* (i) One credit will be allowed for each car released before the expiration of the first twenty-four (24) hours of free time. After the expiration of forty-eight (48) hours free time (or the adjusted free time if provided in applicable tariffs), one debit per car per day, or fraction of a day, will be charged for each of the first two days. In no case shall more than one credit be allowed on any one car, and in no case shall more than four credit be applied in cancellation of debits accruing on any one car. When a car has accrued two debits, a charge of $20.00 per car per day, or fraction of a day, will be made for each of the next two days, or fraction of a day, and $30.00 per car per day or fraction of a day, for each of the next two days, and $50.00 per car per day, or fraction of a day, will be made for all subsequent detention. In computing time under this rule, all Saturdays, Sundays ,and holidays will be counted after the free time, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins.

(ii) Credits earned on cars held for loading shall not be used in offsetting debits accruing on cars held for unloading, nor shall credits earned on cars held for unloading be used in offsetting debits accruing on cars held for loading.

Credits earned on cars loaded and unloaded in intraplant switching service shall not be used to offset debits accruing on cars handled in other services; nor shall credits earned on cars handled in other services be used to offset debits accruing on cars loaded and unloaded in intraplant switching service.

NOTE: The term "intraplant switching service" will be applied as defined in the applicable tariffs, and will include cars of grains, seeds, or soybeans, handled in "setback service."

(iii) Credits cannot be earned by private cars subject to Rule 1, Section B, Paragraph 4(a) of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof, or subject to similar rules in other tariffs, but debits charged on such cars while under constructive placement may be offset by credits earned on other cars.

(iv) At end of the calendar month the total number of applicable credits will be deducted from the total number of debits at the ratio of two credits for one debit, and $10.00 per debit will be charged for the remainder. (See Note.) If the total number of debits are offset by credits through deduction at the above ratio of two credits for one debit, no charge will be made for the detention of the cars except as otherwise provided herein for detention beyond the second debit day, and no payment will be made by the railroad on account of such excess of credits; nor shall the credits in excess of the debits of any one month be considered in computing the average detention for another month.

NOTE: For the purpose of applying Part (iv) of this paragraph, when an odd number of credits is earned, one of such credits will be disregarded in the computation.

(v) Credits earned on cars subject to this order shall not be used in offsetting debits accruing on cars not subject to this order; nor shall debits accruing on cars subject to this order be offset by credits earned on cars not subject to this order.

(5) Existing tariff rules requiring the placement or release, as a unit, of all cars in a multiple-car shipment shall remain in effect.

(6) The demurrage, detention, or storage rates provided herein shall supersede all published storage charges expressed in cents per hundredweight, per bushel, or other unit of measure, for all freight held in cars in excess of the free-time periods provided in Paragraph (2) herein.

(7) If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described herein, such higher rates shall apply.

(8) *Notices of arrival, constructive placement, etc.* (i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, the giving of arrival or constructive placement notice of fregiht destined for unloading or trans-shipment, shall apply.

(ii) If no such rules with respect to arrival, or regarding constructive placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, including rates, rules and free-time periods granted by authority of Part 1, Section 22 of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Notification of shipper required.* (1) Carriers shall send or deliver a written notice to shippers or consignees of the requirements of this order at or prior to the time of actual or constructive placement of cars for loading or unloading or at the time notice of arrival or of constructive placement is given. On cars held for instructions from the shipper or qualified owner of the freight, such notices must accompany or precede the arrival notice.

(2) If a notice described in paragraph (1) of this section has been given to a shipper or receiver at origin, destination, or hold point, no further notices of the requirements of this order need be given.

(3) Carriers are required to maintain a copy of all notices of the requirements of this order sent to shippers, receivers, or qualified owners of freight, at the station or point from which sent.

(4) Failure of a carrier to send and preserve copies of the notices required by paragraph (1) of this section shall not be deemed as nullifying the requirements of sections (a) and (b) of this order.

(d) *Effective date.* This order shall become effective at 7:00 a.m., July 1, 1974.

(e) *Expiration date.* This order shall expire at 6:59 a.m., October 1, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Division 3.

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

[FR Doc.74–15259 Filed 7–2–74;8:45 am]

[Rev. S.O. 1156, Amdt. 1]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of June 1974.

Upon further consideration of Service Order No. 1156 (38 FR 29220, 35002, and 39 FR 7792), and good cause appearing therefor:

It is ordered, That: § 1033.1156 *Service Order No. 1156* (Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Missouri Pacific Railroad Company and over tracks of Union Pacific Railroad Company) be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1974.

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.74–15260 Filed 7–2–74;8:45 am]

[S.O. 1166, Amdt. 1]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of June 1974.

Upon further consideration of Service Order No. 1166 (39 FR 1047, 1445), and good cause appearing therefor:

It is ordered, That § 1033.1166 *Service Order No. 1166* (Chicago and North Western Transportation Company authorized to operate over tracks of Des Moines Western Railway Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1974.

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.74–15261 Filed 7–2–74;8:45 am]

[Corrected S.O. 1189]

PART 1033—CAR SERVICE

Great Plains Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of June 1974.

It appearing, that, in Finance Docket No. 27275 the Great Plains Railway Company (GP) was authorized to acquire and operate a line of railroad abandoned by the Chicago and North Western Transportation Company (CNW) between Seward, Nebraska, and Superior, Nebraska; that CNW yard tracks at Superior, Nebraska were excluded from the purchase agreement between the GP and the CNW because of their use by the Atchison, Topeka and Santa Fe Railway Company (ATSF); that the ownership of such tracks at Superior will eventually be transferred to the ATSF; that operation of the GP requires its use of CNW yard tracks Nos. 39, 40, 45, 46, 47, 48, 50, 51, 52, 55 and 56, all located between CNW mileposts 121.563 and 122.540 at Superior, Nebraska; that the CNW has agreed to the use of the aforementioned tracks by the GP; that use of such CNW tracks by the GP is necessary to enable the GP to provide railroad service to shippers served by this line in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1189 Service Order No. 1189.

(a) *Great Plains Railway Company authorized to operate over tracks of Chicago and North Western Transportation Company.* The Great Plains Railway Company (GP) be, and it is hereby, authorized to operate over yard tracks 39, 40, 45, 46, 47, 48, 50, 51, 52, 55 and 56 of the Chicago and North Western Transportation Company (CNW), between CNW mileposts 121.563 and 122.540, at Superior, Nebraska.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) Nothing herein shall be considered as a pre-judgement of the application of the GP seeking permanent authority to operate over these tracks.

(d) *Effective date.* This order shall become effective at 12:01 a.m., June 27, 1974.

(e) *Expiration date.* The provisions of this order shall expire at 12:01 a.m., January 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

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

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads

subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

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

[FR Doc.74-15262 Filed 7-2-74;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Subpart A—Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products

FEES AND CHARGES

Statement of consideration leading to amendment of regulations. The Agricultural Marketing Act of 1946 authorizes official inspection and grading of dairy products. Such inspection and grading service is voluntary and is made available to interested parties upon payment of a fee. The Act requires such fees to be reasonable and, as nearly as possible, to cover the cost of performing the services.

Substantial fee increases are needed to offset spiraling overhead costs and rising salaries. The proposed fees have been discussed with representatives of Dairy Industry and Dairy Trade Associations. The fees are being amended as follows:

Section 58.43, *Fees for inspection, grading and sampling:* Base rate from $13.20/hour; to $16.00/hour; Night differential rate from $14.52 to $17.60/hour.

Section 58.44, *Fees for laboratory analysis.* Base rate from $14.30/hour to $18.00/hour with corresponding increases in fees for specific tests.

Section 58.47, *Fees for continuous non-resident service:* Base rate from $15.60/hour to $18.60/hour; Night differential rate from $16.92/hour to $20.20/hour; Holiday, Saturday, Sunday or overtime rate from $22.20/hour to $26.60/hour.

Section 58.42 is being amended to increase the charges for administrative costs of AMS that are applicable to official travel. The 10 percent administrative charge, based on the inspector's costs for travel, will increase to 25 percent.

Section 58.45 is being amended in its entirety and will be entitled "Fees for continuous resident service". Charges for this service will be on the basis of $12.00/hour.

Pursuant to the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-27) the provisions of "Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products", Subpart A of 7 CFR Part 58 is hereby amended by revising §§ 58.42, 58.43, 58.44, 58.45, and 58.47 to read as follows:

§ 58.42 Travel expenses and other charges.

Charges shall be made to cover the cost of travel and other expenses incurred by AMS in connection with the performance of any inspection or grading service. Such charges shall include the costs of travel, per diem, and other expenses, plus a charge of 25 percent of the amount charged for said travel, per diem and other expenses to cover administrative costs of AMS. When the Administrator determines it feasible, he may set a minimum average charge for specific location or markets.

§ 58.43 Fees for inspection, grading and sampling.

Except as otherwise provided in this section and §§ 58.38 through 58.47, charges shall be made for inspection, grading and sampling service at the hourly rate of $16.00 for service performed between 6 a.m. and 6 p.m., and $17.60 for service performed between 6 p.m. and 6 a.m., for the time required to perform the service calculated to the nearest 15 minute period, including the time required for preparation of certificates and reports, and travel of the inspector or grader in connection with the performance of the service. When the Administrator determines it feasible, he may set a minimum charge based on average time for specific types of service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued.

§ 58.44 Fees for laboratory analysis.

Except as otherwise provided in this section and sections 58.45 and 58.46, charges shall be made for laboratory analysis at the hourly rate of $18.00 for the time required to perform the service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued. The following minimum rates based on average time required to perform the test specified shall apply unless the actual time required to perform the test is greater than the minimum set forth:

(a) *Dry Milk and related products.*

Total fat (ether extraction)	3.25
Moisture	2.50
Titratable acidity	1.25
Solubility index	1.65
Scorched particles	1.65
Bacterial plate count	3.25
Bacterial direct microscopic count	4.90
Flavor	.80
Whey protein nitrogen	8.20
Vitamin A	16.30
Alkalinity of Ash	18.00
Dispersibility	8.20
Coliform (solid media)	3.25
Salmonella	13.05
Phosphatase	18.00
Oxygen	9.75
Density	1.25

(b) *Condensed milk and related products.*

Fat (ether extraction)	4.90
Total solids	3.25
Sugar (sucrose)	18.00
Net weight (per can)	2.00
Flavor, color, body, texture	1.25

(c) *Cheese and related products.*

Moisture	3.25
Moisture in duplicate	4.90
Total fat (ether extraction)	5.75
Moisture & fat (dry basis) complete	9.00

(d) *Butter and related products.*

Moisture	3.25
Fat	6.50
Salt	3.25
Complete Kohman analysis	9.75
Fat and moisture (same sample)	8.20
Flavor, odor, body, texture	1.65
Peroxide value	18.00
Free fatty acid	8.20
Yeast and mold	4.10
Proteolytic count	4.10

(e) *Corn-Soya-Milk.*

Sieve test	3.25
Density	1.25
Bostwick—uncooked	4.10
Bostwick—cooked	8.20
Protein (Kjeldahl)	8.20
Fat (Soxhlet)	5.75
Moisture	2.50
Crude fiber	11.45
Flavor	.80

§ 58.45 Fees for continuous resident service.

Irrespective of the fees and charges provided in sections 58.39 and 58.43, charges for the inspector or grader in charge of a continuous resident program shall be made at the rate of $12.00/hour for services performed during the assigned tour of duty. Charges for the assistant inspector or grader shall be at the rate of $10.00/hour for the assigned tour of duty. Charges for service, performed in excess of the assigned tours of duty, shall be at a rate 1½ times the rates stated in this section.

§ 58.47 Fees for continuous non-resident service.

Irrespective of the fees in §§ 58.39, 58.42, and 58.43, charges for continuous non-resident service shall be made at the hourly rate of $18.60 for service performed between 6 a.m. and 6 p.m. and $20.20 for services performed between 6 p.m. and 6 a.m., for the number of hours each inspector or grader is assigned. The charge for holiday, Saturday or Sunday work or overtime (work in excess of each eight-hour shift Monday through Friday) shall be at $26.60 per hour. The charges for time required by each inspector or grader to travel to and from the processing plant at beginning and end of the period of continuous service shall be made at the hourly rate of $18.60. Travel expenses are included in the hourly rates in this section.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this action later than the date of publication in the FEDERAL REGISTER, (5 U.S.C. 553), are impracticable, unnecessary, and contrary to the public interest in the (1) the Agricultural Marketing Act of 1946, provides that the fees charged shall be reasonable and, as nearly as possible, cover the cost of the service rendered, (2) the increases

in fee rates set forth herein are necessary to cover costs, and (3) additional time is not required by users of the inspection service to comply with this amendment.

This amendment shall become effective on July 3, 1974 with respect to the inspection and grading service rendered on and after that date.

Done at Washington, D.C. this 28th day of June 1974.

E. L. PETERSON,
Administrator.

[FR Doc.74-15276 Filed 7-2-74;8:45 am]

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

[Orange Reg. 72, Amdt. 8; Grapefruit Reg. 74, Amdt. 9; Export Reg. 23, Amdt. 5]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Reduction of Minimum Grade Requirements

The amendment to Regulation 72 lowers the minimum grade requirement applicable to domestic shipments of Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type to U.S. No. 2 on July 1, 1974. Amendment 9 to Regulation 74 and Amendment 5 to Regulation 23 lower the minimum grade requirements applicable to domestic and export shipments of seeded and seedless grapefruit, respectively, to U.S. No. 2 Russet on July 12, 1974. The specification of such lower minimum grade for Florida Valencia and other late type oranges is necessary to satisfy the current and prospective demand for such oranges. The U.S. No. 2 Russet minimum grade requirement specified for domestic and export shipments of seeded and seedless grapefruit recognizes the lesser quality of such grapefruit estimated to be remaining for fresh shipment.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the requirements applicable to oranges and grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The lower minimum grade requirement specified for domestic shipments of fresh Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type for the period July 1, 1974, through September 29, 1974, is consistent with the remaining supply of and current and prospective demand for such oranges by fresh market outlets. Fresh shipments of Florida oranges for the season through June 23, 1974, totaled 16,333 carlots, and there were an estimated 917 carlots remaining for shipment. The lower grade requirement specified for domestic and export shipment of seeded and seedless grapefruit for the period July 12, 1974, through September 29, 1974, reflects the seasonal decline in the external appearance of such grapefruit and the prospective demand for such grapefruit by domestic and export outlets. For the season through June 23, 1974, fresh shipments of Florida grapefruit totaled 25,862 carlots, and there were an estimated 538 carlots remaining for shipment.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; and these amendments lower requirements applicable to the handling of oranges and grapefruit grown in Florida.

Order. 1. In § 905.550 (Orange Regulation 72; 38 FR 25665, 28063, 31414, 34454, 34986; 39 FR 3812, 6605, 12107) the provisions of paragraph (b)(9) are amended to read as follows:

§ 905.550 Orange Regulation 72.

* * * * *

(b) * * *

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That during the period July 1, 1974, through September 29, 1974, such oranges may be shipped if they grade at least U.S. No. 2; and

* * * * *

2. In § 905.551 (Grapefruit Regulation 74; 38 FR 25665, 28063, 31414, 34454, 34986; 39 FR 6605, 16231, 17970, 21040) the provisions of paragraph (b)(1) and (b)(3) are amended to read as follows:

§ 905.551 Grapefruit Regulation 74.

* * * * *

(b) * * *

(1) Any seeded grapefruit, grown in the production area, which do not grade at least Improved No. 2: *Provided,* That during the period July 12, 1974, through September 29, 1974, seeded grapefruit may be shipped if they grade at least U.S. No. 2 Russet;

* * * * *

(3) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2: *Provided,* That during the period July 12, 1974, through September 29, 1974, seedless grapefruit may be shipped if they grade at least U.S. No. 2 Russet; or

* * * * *

3. In § 905.554 (Export Regulation 23; 38 FR 25665, 28063; 39 FR 3812, 12105, 21040) the provisions of paragraph (b)(11) and (b)(13) are amended to read as follows:

§ 905.554 Export Regulation 23.

* * * * *

(b) * * *

(11) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That during the period July 12, 1974, through September 29, 1974, seeded grapefruit may be shipped if they grade at least U.S. No. 2 Russet;

* * * * *

(13) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2: *Provided,* That during the period July 12, 1974, through September 29, 1974, seedless grapefruit may be shipped if they grade at least U.S. No. 2 Russet;

* * * * *

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

Dated: June 27, 1974, to become effective July 1, 1974.

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

[FR Doc.74-15206 Filed 7-2-74;8:45 am]

[Valencia Orange Reg. 472]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 5–11, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.772 Valencia Orange Regulation 472.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia

Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be slow. Prices f.o.b. averaged $3.30 per carton on a reported sales volume of 538 carlots last week, compared with an average f.o.b. price of $3.38 per carton and sales of 663 carlots a week earlier. Track and rolling supplies at 320 cars were down 85 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 1, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 5, 1974, through July 11, 1974, are hereby fixed as follows:

(i) District 1: 247,000 cartons;

(ii) District 2: 203,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: July 2, 1974.

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

[FR Doc.74–15434 Filed 7–2–74;11:10 am]

[Grapefruit Reg. 14, Amdt. 6]

PART 944—FRUITS; IMPORT REGULATIONS

Minimum Grade Requirements for Imports of Grapefruit

This amendment lowers the minimum grade requirements applicable to imported seeded and seedless grapefruit to U.S. No. 2 Russet on July 12, 1974. These requirements are the same as those applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

This amendment is consistent with section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This section requires that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable requirements as those in effect for the domestically produced commodity. This regulation establishes the same grade requirement on imported seeded and seedless grapefruit as is effective under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida.

Order. In § 944.110 (Grapefruit Regulation 14; 38 FR 26108, 28286; 39 FR 7798, 16472, 17970, 22127) the provisions of paragraph (a) are amended to read as follows:

§ 944.110 Grapefruit Regulation 14.

(a) * * *

(1) Seeded grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than 3 2/16 inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than 3 5/16 inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) this amendment fixes the same requirements on imports of seeded and seedless grapefruit as are applicable under amended Grapefruit Regulation 74 (§ 905.551) to the shipment of seeded and seedless grapefruit grown in Florida; and (c) this amendment lowers requirements on the importation of seeded and seedless grapefruit.

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

Dated June 27, 1974, to become effective July 12, 1974.

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

[FR Doc.74–15277 Filed 7–2–74;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 137]

PART 1137—MILK IN THE EASTERN COLORADO MARKETING AREA

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Eastern Colorado marketing area.

It is hereby found and determined that for the months of July and August 1974 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In the first sentence of paragraph (a) of § 1137.10, the provision, "from whom at least three deliveries of milk are received during the month at a distributing pool plant"; and

2. In the second sentence of paragraph (a) of § 1137.10, the provision "distributing".

Statement of consideration. This action will continue the present suspension of certain provisions that require

three deliveries of a producer's milk to be received at a pool distributing plant to qualify his milk for diversion. The present suspension, which has been in effect since April 1974, expires June 30, 1974 (39 FR 15867).

Continuation of the suspension was requested by the cooperative association that supplies the market with most of the milk required for fluid needs and handles the reserve supply of milk for the market. The basis for the request is that the same conditions prevail now, and are expected to prevail through August 1974, that prompted the initial request.

Milk production continues to increase, with Class I and Class II sales below normal. The cooperative association is required to move substantial quantities of milk from the Denver area to South Dakota and Idaho for processing into cheese, nonfat dry milk, and butter because there is insufficient processing capacity in the Denver area.

By continuing the suspension, the association can avoid uneconomic and fuel-consuming shipments of producer milk that was associated with the market during the period of tight supply conditions last fall and winter, in order to qualify it for pooling during this period of heavy milk production relative to Class I sales.

All limits on the amount of milk that may be diverted remain in force, and as a condition for diversion the milk of a producer must have been delivered to a pool plant.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) An identical suspension has been in effect since April 1974 but will expire June 30, 1974. This action is necessary to assure that relatively heavy supplies of reserve milk will continue to be marketed in an orderly manner, and without uneconomic and fuel-consuming shipments of producer milk to distributing pool plants, to qualify it for diversion to nonpool plants for processing.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of July and August 1974.

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

Effective date: July 3, 1974.

Signed at Washington, D.C., on June 28, 1974.

RICHARD FELTNER,
Assistant Secretary.

[FR Doc.74–15278 Filed 7–2–74;8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

PROCESSED RAISINS

Grade Standards [1]

Notice is hereby given that the United States Department of Agriculture is considering an amendment to the United States Standards for Grades of Processed Raisins pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Section 205, 60 Stat. 1090; as amended; 7 U.S.C. 1624). The cited section of the Agricultural Marketing Act of 1946 provides for the issuance of official United States grades to designate different quality levels for the voluntary use of producers, buyers, and consumers. Official grading services are also provided for under this Act upon request and upon payment of the fee to cover the cost of such services.

Interested persons desiring to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than August 1, 1974, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public review at the office of the Hearing Clerk during regular business hours (7 CFR, 1.27(b)).

Statement of consideration leading to the proposal. The Raisin Administrative Committee has requested two minor revisions to the U.S. Standards for Grades of Processed Raisins—one dealing with measurement requirements for one size, the other with grade requirements.

The first requested revision would redefine "small" or "midget" size raisins to permit a slight increase in the number of larger sized raisins. The standards provide for three size classifications—namely Select, Small (or Midget), and Mixed.

The proposed change would not affect the size specifications for select and mixed sizes. It would, however, permit the industry to market approximately 5 percent more of the total crop under the small (or midget) size classification. This size raisin is used primarily by the bakery and cereal industries. Select size raisins, which represent 70 percent of the crop, are the principal retail size; therefore this proposed change would have little or no effect upon the consumer.

The second requested revision would be to reduce, slightly, the percentage of substandard and undeveloped raisins allowed in select size, and to increase this allowance in the small size. The effect of this change would be minimal since the size of substandard and undeveloped raisins is closer to the predominant size of small raisins than to the other two size classifications. Since the major portion of the pack is of the select size, the effect upon the consumer would be a slight increase in the quality of raisins in consumer size packages.

The proposed changes were recommended by the Raisin Administrative Committee, and are concurred in by knowledgeable Processed Fruit and Vegetable inspection personnel.

The proposed amendments are as follows:

Section 52.1843 would be revised to read:

§ 52.1843 Sizes of Thompson Seedless Raisins.

The size designations and measurement requirements for the respective sizes are:

(a) "Select" size raisins means that not more than 60 percent, by weight, of all the raisins will pass through round perforations $^{23}/_{64}$ inch in diameter, but not more than 10 percent, by weight, of all the raisins may pass through round perforations $^{20}/_{64}$ inch in diameter.

(b) "Small" (or "midget") size raisins means that 95 percent by weight, of all the raisins will pass through round perforations $^{24}/_{64}$ inch in diameter, and not less than 70 percent, by weight, of all raisins will pass through round perforations $^{23}/_{64}$ inch in diameter.

(c) "Mixed" size raisins means a mixture which does not meet either the requirements for "select" size or for "small" (or "midget") size.

Section 52.1845 would be amended as follows:

§ 52.1845 Grades of Thompson Seedless Raisins.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a good typical color; that possess a good characteristic flavor; that show development characteristics of raisins prepared from well-matured grapes with not less than 80 percent, by weight, of raisins that are well-matured or reasonably well-matured raisins and not more than 1 percent, by weight, of select and mixed size raisins and 2 percent, by weight, of small (midget) size raisins may have substandard development (including undeveloped raisins); that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:

(1) Not more than 1 piece of stem per 96 ounces of raisins may be present;

(2) Not more than 15 capstems per 16 ounces of raisins may be present;

(3) Not more than ½ percent, by weight, of select size raisins; 1 percent, by weight, of mixed size; and small (midget) size raisins may be undeveloped;

(4) Not more than 4 percent, by weight of raisins may be discolored, damaged, or moldy; *Provided*, That not more than 2 percent, by weight, may be damaged, and not more than 2 percent, by weight, may be moldy;

(5) Not more than 5 percent, by weight, of raisins may be sugared.

(6) The appearance or edibility of the product may not be affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described; and

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a reasonably good typical color; that possess a good characteristic flavor that show development characteristics of raisins prepared from reasonably well-matured grapes with not less than 70 percent, by weight of raisins that are well-matured or reasonably well-matured raisins and not more than 1½ percent, by weight, of select size raisins, 2 percent, by weight, of mixed size raisins, and 3 percent, by weight, of small (midget) size raisins have substandard development (including undeveloped raisins); that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:

(1) Not more than 2 pieces of stem per 96 ounces of raisins may be present;

(2) Not more than 25 capstems per 16 ounces of raisins may be present;

(3) Not more than ½ percent, by weight, of select size raisins; 1 percent, by weight, of mixed size raisins; and 2 percent, by weight, of small (midget) size raisins may be undeveloped;

(4) Not more than 6 percent, by weight, of raisins may be discolored, damaged, or moldy; *Provided*, That not more than 3

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

percent, by weight, may be damaged, and not more than 3 percent, by weight, may be moldy;

(5) Not more than 10 percent, by weight, of raisins may be sugared;

(6) The appearance or edibility of the product may not be more than slightly affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described;

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) "U.S. Grade C" or "U.S. Standard" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a fairly good typical color; that possess a fairly good flavor; that show development characteristics of raisins prepared from fairly well-matured grapes with not less than 55 percent, by weight, of raisins that are well-matured or reasonably well-matured raisins, and not more than 2 percent, by weight, of select size raisins; 3 percent, by weight, of mixed size raisins; or 5 percent, by weight, of small (midget) raisins may have substandard development (including undeveloped raisins); that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart;

(1) Not more than 4 pieces of stem per 96 ounces of raisins may be present;

(2) Not more than 35 capstems per 16 ounces of raisins may be present;

(3) Not more than 3 percent, by weight, of small (midget) size raisins may be undeveloped; and not more than 1 percent, by weight, of raisins other than small (midget) size may be undeveloped;

(4) Not more than 9 percent, by weight, of raisins may be discolored, damaged, or moldy; *Provided*, That not more than 5 percent, by weight, may be damaged, and not more than 4 percent, by weight, may be moldy;

(5) Not more than 15 percent, by weight, of raisins may be sugared;

(6) The appearance or edibility of the product may not be materially affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described; and

(7) Not more than a trace of grit, sand, or silt may be present that affects the appearance or edibility of the raisins.

* * * * *

TABLE I—ALLOWANCES FOR DEFECTS IN TYPE I, THOMPSON SEEDLESS RAISINS

Defects	U.S. Grade A or U.S. Fancy	U.S. Grade B or U.S. Choice	U.S. Grade C or U.S. Standard
	Maximum count (per 96 ounces)		
Pieces of stem	1	2	4
	Maximum count (per 16 ounces)		
Capstems	15	25	35
	Maximum (percent by weight)		
Sugared	5	10	15
Discolored, damaged or moldy raisins	4	6	9
Provided these limits are not exceeded:			
Damaged	2	3	5
Moldy	2	3	4

Substandard and undeveloped	Total Maximum undeveloped		Total Maximum undeveloped		Total Maximum undeveloped	
Select size	1	½	1½	½	2	1
Mixed size	1	1	2	1	3	1
Small (midget) size	2	1	3	2	5	3

	Appearance or edibility of product		
Slightly discolored or damaged by fermentation or any other defect not described above.	May not be affected.	May not be more than slightly affected.	May not be materially affected.
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.		Not more than a trace may be present that affects the appearance or edibility of the product.

Dated: June 26, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-15065 Filed 7-2-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 135]

LABELING OF ANIMAL DRUGS; MISBRANDING

Notice of Proposed Rule Making

It has come to the attention of the Commissioner of Food and Drugs that the labels of a number of animal drugs contain broad disclaimer statements which disclaim liability for use of the drug when it is used not only contrary to label instructions, but also, e.g., "under abnormal conditions" or "under conditions not reasonably foreseeable" or, further, "whether in accordance with directions or not."

The Commissioner has reviewed a representative sample of these disclaimer statements (on public display in the office of the Hearing Clerk) and proposes to issue a regulation stating that animal drugs whose labels or labeling contain disclaimers which go beyond a disclaimer of liability when the drug is not used in accordance with directions for use indicated on the label are misbranded within the meaning of section 502(a) and (f)(1) and (2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(a) and (f)(1) and (2)) for the following reasons:

1. A drug marketed under an approved new animal drug application (NADA) has been approved as safe and effective for its labeled uses and a drug not marketed pursuant to an approved NADA, in order to be exempt from the requirement of submitting a NADA and proving safety and efficacy, must be generally recognized as safe and effective for its labeled uses. Accordingly, statements on the label or labeling which disclaim liability when the product is used in accordance with directions or under circumstances not specifically proscribed in the labeling, are false and misleading within the meaning of section 502(a) of the act since such a disclaimer suggests and implies that the product is not safe and effective for use for the labeled indications.

2. Such disclaimers also render a drug misbranded since the disclaiming of liability for use under "abnormal" or "unforeseeable" conditions implies that the label does not adequately delineate the manner in which the drug is to be used so as not to be unsafe or ineffective, and that therefore the drug fails to bear adequate directions for use and/or fails to give adequate warnings against unsafe dosage or methods or duration of administration or application in such manner and forms as are necessary for

the protection of users, within the meaning of section 502(f) (1) and (2) of the act.

For these reasons, labels or labeling which contains such disclaimers will not be approved for a new animal drug. A supplemental application including revised labeling shall be submitted for any new animal drug which is already the subject of an approved new animal drug application, if the approved labeling is not in compliance with this regulation. Animal drugs whose labels or labeling contains such disclaimers shall be subject to seizure pursuant to section 304 of the act on the grounds that they are misbranded within the meaning of section 502(a) and/or (f) (1) and (2) of the act. All drugs must be brought into compliance with this regulation within 180 days after the date on which the final order is published in the FEDERAL REGISTER.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 304, 502, 512, 701(a), 52 Stat. 1044–1045, as amended, 1050–1051, as amended, 1055, 82 Stat. 343–351; 21 U.S.C. 334, 352, 360b, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 135 be amended by adding a new section as follows:

§ 135.__ Labeling of animal drugs; misbranding.

(a) Among the representations on the label or labeling of an animal drug which will render the drug misbranded are any statements which suggest or imply that the drug is not safe and effective for use when used in accordance with labeling direction, or which suggest or imply that the labeling does not contain adequate warnings or adequate directions for use. Such statements include, but are not limited to:

(1) Any statement which disclaims liability when the drug is used in accordance with the directions for use contained on the label or labeling.

(2) Any statement which disclaims liability when the drug is used under "abnormal" or "unforeseeable" conditions.

(3) Any statement which limits the warranty for the products to a warranty that the drug in the package contains the ingredients listed on the label.

(b) This regulation is not intended to prohibit any portion of a liability disclaimer which purports to limit the amount of damages or which sets forth the legal theory under which damages are to be recovered.

(c) Any person wishing to obtain an evaluation of an animal drug liability disclaimer in light of this regulation may submit it to Division of Compliance (HFV–220), Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852. A supplemental NADA providing appropriately revised labeling shall be submitted for any approved new animal drug whose labeling is not in compliance with this regulation. All labeling for products shipped in interstate commerce 180 days after the date on which the final regulation is published in the FEDERAL REGISTER shall comply with this regulation.

Interested persons may, on or before September 3, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 27, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74–15198 Filed 7–2–74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 201, 211, 221, 261, 302, 312, 399]

[PDR 36A; EDR 269A; PSDR 40A; Docket No. 26718; Dated June 28, 1974]

PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Extension of Comment Period

The Board, by circulation of notice of proposed rulemaking PDR–36, EDR–269, and PSDR–40, dated May 15, 1974, and published on May 24, 1974 at 39 FR 18288, gave notice that it had under consideration the enactment of a new Part 312 of the procedural regulations setting forth its policies and governing procedures for the preparation and processing of environmental impact statements and related documents pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. Interested persons were invited to participate by submission of twelve (12) copies of written data, views or arguments pertaining thereto to the Docket Section of the Board on or before July 5, 1974, and of responsive comments on or before August 5, 1974.

By letter dated June 25, 1974, counsel for eight air carriers requested an extension until September 5, 1974, of the date for submitting initial comments and a corresponding extension to October 15, 1974, for responsive comments. The request is supported by a ninth air carrier and counsel for four civic parties. The extensions are requested in light of the major changes which would be effected in the Board's procedures by adoption of the regulation, and the need for time to analyze the extensive engineering data embodied in the proposed rule.

The undersigned finds that good cause has been shown for granting the requested extension. Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for filing comments until September 5, 1974, and for filing reply comments until October 15, 1974.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates Division.

[FR Doc.74–15245 Filed 7–2–74;8:45 am]

[14 CFR Parts 293, 298]

[FDR 272A; EDR 273A; Docket Nos. 26769, 21761; Dated June 28, 1974]

AIR TAXIS IN ALASKAN BUSH ROUTES

Extension of Comment Period

By notice of proposed rule making EDR–272, dated June 4, 1974 and published on June 11, 1974 at 39 FR 20503, the Board gave notice that it had under consideration an amendment to Part 293 of its Economic regulations (14 CFR Part 293) to (1) require prior Board approval for subcontract agreements involving Alaskan bush routes; and (2) to specify guidelines to be followed by the Board in approving such agreements. At the same time, by Notice of Proposed Rulemaking EDR–273, dated June 4, 1974 and published on June 11, 1974 at 39 FR 20504, the Board gave notice that it had under consideration an amendment to Part 298 of its Economic regulations (14 CFR Part 298) to make applicable to air taxi operators in the State of Alaska the aircraft size and weight limitations presently applicable to air taxi operators in the 48 contiguous states and the territories.

Counsel for Wien Air Alaska, Inc. has requested an extension of time for filing comments from July 11, 1974 to July 29, 1974. In support of the request, counsel states, *inter alia*, that additional time is needed for consideration of the proposed rules before submitting comments both because of the fundamental importance of the proposed rules to Alaskan air transportation and because of the difficulty of communication between the petitioner in Alaska and counsel in Washington.

The undersigned finds that good cause has been shown for an extension of time for filing comments to July 29, 1974.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization regulations, the undersigned hereby extends the time for submitting comments to July 29, 1974.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates Division.

[FR Doc.74–15246 Filed 7–2–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 120]

COLORADO RIVER SYSTEM

Salinity Control; Correction

In FR Doc. 74–13683 appearing at page 20703 in the issue of June 13, 1974, insert

the following 3 paragraphs after paragraph 5:

Section 303(b)(2) of the Act requires the Administrator to promulgate standards no later than 190 days after the date of publication of this notice, unless by such time the State shall have adopted water quality standards which the Administrator determines to be in accordance with the requirements of section 303(a) of the Act.

However, the Administrator is not required to await State action for the entire 190 day period prior to promulgation. Thus, these standards may be promulgated by the Administrator at any time following the expiration of time for public comment.

Interested persons may submit written data, views, or arguments, in triplicate, in regard to the proposed regulations to the Regional Administrator, Region VIII, 1860 Lincoln Street, Denver, Colorado 80203. All relevant material received no later than September 3, 1974 will be considered.

Dated: June 28, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-15304 Filed 7-2-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[74-510]

FEDERAL SAVINGS AND LOAN SYSTEM

90-Day Notice Accounts, Withdrawal Restrictions

JUNE 5, 1974.

The Federal Home Loan Bank Board considers it advisable to propose amendments to § 545.3–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of producing conformity between said § 545.3–1 and the regulations of the Federal Deposit Insurance Corporation concerning accounts with respect to which an account holder must give at least 90 days notice prior to making a withdrawal from such account. (The effects of the Federal Reserve Board regulations concerning such accounts are identical to the FDIC regulations except that the application of the FRB regulations results in the imposition of a greater penalty on a withdrawal from such an account without 90 days notice under certain circumstances.) By a companion Resolution (Resolution No. 74–511; June 5, 1974), the Board also proposes collateral amendments to the Rules and Regulations for Insurance of Accounts (12 CFR Chapter V, Subchapter D).

Section 526.4 of the regulations for the Federal Home Loan Bank System (12 CFR 526.4) permits member institutions (including all Federal associations) to pay a maximum rate of return of 5.75 percent per annum on "notice accounts." Section 526.1(c) defines a "notice account" as "any form of savings account evidenced by an account book containing a requirement that the holder of the account must give the member institution written notice of at least 90 days prior to making each withdrawal from such account, with such exceptions as applicable law or regulation may permit." Section 545.3–1(b)(ii), which authorizes Federal associations to issue "notice accounts," presently sets forth an exception to the 90-day notice requirement—a Federal association may pay interest at the end of a dividend period or within ten days thereafter whether or not the account holder has given the required notice provided that the account has been open at least 90 days. (An account holder making a withdrawal from a notice account open less than 90 days is not permitted to receive interest on the amount withdrawn and any interest previously credited or distributed must be either debited or repaid.) This ten day "grace period" is lengthened to thirteen days as a result of § 545.1–1(e). Said § 545.1–1(e) permits a Federal association, for the purpose of computing and distributing interest on a savings account, to consider a withdrawal made during the last three business days of any distribution period as having been made immediately after the end of such period.

Section 545.3–1(b)(ii) would be amended to state that a Federal association may distribute earnings on any notice account issued on or after the effective date of the amendment which meets three requirements. First, such a notice account must be evidenced by a notice-account book and such book must set forth the rules applicable to such account, including the penalty described below. Second, the holder of such an account must be required to give the Federal association at which such account is maintained at least 90 days notice, in writing, of such holder's intention to make a withdrawal from such account. Third, the holder of such an account shall be subject to a penalty if such account holder makes a withdrawal from such account without giving the required 90 days notice. This penalty is the lesser of (1) 90 days (3 months) interest on the amount withdrawn at the rate being paid on the account, or (2) all interest on the amount withdrawn since the date such amount was deposited using a last-in, first-out method of calculation.

Accordingly, the Board hereby proposes to amend 12 CFR Part 545 by revising § 545.3–1(b)(2) thereof, as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C. 20552, by August 5, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.3–1 Distribution of earnings at other than the regular rate.

* * * * *

(b) *Eligibility requirements.* * * *

(2) *Notice accounts.* A Federal association may distribute earnings on any "notice account" (as defined in Part 526 of this chapter) opened on or after [effective date of the regulation] which meets the following requirements at a rate not in excess of the maximum rate prescribed for notice accounts in Part 526 of this chapter:

(i) Such account must be evidenced by a notice-account book which sets forth the rules applicable to such account, including the penalty described in subdivision (iii) of this subparagraph;

(ii) The holder of such an account must be required to give the association in which such account is maintained at least 90 days notice, in writing, of such holder's intention to make a withdrawal from such account;

(iii) In the event that the holder of such an account makes a withdrawal from such account without giving the notice required by subdivision (ii) of this subparagraph, such account holder shall forfeit not less than the lesser of (A) 90 days (3 months) interest on the amount withdrawn at the rate being paid on such account, or (B) all interest on the amount withdrawn since the date such amount was deposited using a last-in, first-out method of calculation. If any interest has been paid to the holder of such account prior to such a withdrawal, a deduction shall be made from the amount withdrawn to adjust for the penalty applicable to such interest.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74-15230 Filed 7-2-74;8:45 am]

[12 CFR Part 563]

[74-511]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

90 Day Notice Accounts, Withdrawal Restrictions

JUNE 5, 1974.

The Federal Home Loan Bank Board considers it advisable to propose amendments to Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563) to add a new § 563.3–4 thereto for the purpose of setting forth additional restrictions with which insured institutions must comply in connection with the issuance of savings accounts with respect to which an account holder must give at least 90 days notice prior to making a withdrawal.

Section 526.4 of the Regulations for the Federal Home Loan Bank System

(12 CFR 526.4) permits member institutions (including all FSLIC-insured institutions) to pay a maximum rate of return of 5.75 percent per annum on "notice accounts." Section 526.1(c) defines a "notice account" as "any form of savings account evidenced by an account book containing a requirement that the holder of the account must give the member institution written notice of at least 90 days prior to making each withdrawal from such account, with such exceptions as applicable law and regulation may permit."

Although the Board does not presently impose any other regulatory requirements on notice accounts which are issued by State-chartered FSLIC-insured institutions, the Federal Reserve Board and the Federal Deposit Insurance Corporation regulate the terms of such accounts which are issued by State-chartered, FDIC-insured commercial banks and mutual savings banks. Proposed new § 563.3–4 will result in parity of treatment of accounts requiring at least 90 days notice prior to withdrawal issued by State-chartered, FSLIC-insured institutions and State-chartered, FDIC-regulated institutions. (The effects of the Federal Reserve Board regulations concerning such accounts are identical to the FDIC regulations except that the application of the FRB regulations results in the imposition of a greater penalty on a withdrawal from such an account without 90 days notice under certain circumstances.) By a companion Resolution (Resolution No. 74–510; June 5, 1974), the Board also proposes collateral amendments to the Rules and Regulations for the Federal Savings and Loan System (12 CFR Chapter V, Subchapter C).

New § 563.3–4 would state that a State-chartered insured institution which is authorized to accept notice accounts under applicable State law may issue such accounts in such form as its board of directors may determine, subject to the following limitations. First, such an account must be evidenced by a notice-account book and such book must set forth the rules applicable to such account, including the penalty described below. Second, the holder of such an account must be required to give the insured institution at which such account is maintained at least 90 days notice, in writing, of such holder's intention to make a withdrawal from such account. Third, the holder of such an account shall be subject to a penalty if such account holder makes a withdrawal from such account without giving the required 90 days notice. This penalty is the lesser of (1) 90 days (3 months) interest on the amount withdrawn at the rate being paid on the account, or (2) all interest on the amount withdrawn since the date such amount was deposited using a last-in, first-out method of calculation.

Accordingly, the Board hereby proposes to amend Part 563 by adding a new § 563.3–4 thereto, as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C., 20552, by August 5, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 563.3–4 Notice accounts.

(a) *General approval.* A State-chartered institution which, in accordance with State law, may accept notice accounts, as defined in Part 526 of this chapter, and whose board of directors has adopted a resolution providing for the issuance of such notice accounts may, subject to the limitations contained in paragraph (b) of this section with respect to any such account issued on or after (effective date of the regulation), issue such notice accounts in such form as the board of directors of the institution may determine. Such notice accounts and the notice-account books evidencing such accounts are hereby approved by the Corporation as to type (as referred to in subdivision (c) of section 401 of the National Housing Act) and form, return, and maturity (as referred to in those parts of the third sentence of subsection (b) of section 403 of said Act which refer to the form, return, and maturity of securities).

(b) *Limitations.* (1) Such account must be evidenced by a notice-account book which sets forth the rules applicable to such account, including the penalty described in subparagraph (3) of this paragraph;

(2) The holder of such an account must be required to give the institution in which such account is maintained at least 90 days notice, in writing, of such holder's intention to make a withdrawal from such account;

(3) In the event that the holder of such an account makes a withdrawal from such account without giving the notice required by subparagraph (2) of this paragraph, such account holder shall forfeit not less than the lesser of (i) 90 days (3 months) interest on the amount withdrawn at the rate being paid on such account, or (ii) all interest on the amount withdrawn since the date such amount was deposited using a last-in, first-out method of calculation. If any interest has been paid to the holder of such account prior to such a withdrawal, a deduction shall be made from the amount withdrawn to adjust for the penalty applicable to such interest.

(Sec. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.74–15231 Filed 7–2–74;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 531]

[Docket No. 73–40]

WATER CARRIERS IN THE DOMESTIC OFFSHORE COMMERCE OF THE UNITED STATES

Filing of Tariffs

Notice was originally given on July 19, 1973, 38 FR 19237–19238 that the Federal Maritime Commission is considering the revision of Part 531 of this Chapter which contains the regulations governing the contents of tariff publications by common carriers by water in the domestic offshore commerce of the United States.

Part 531 became effective October 4, 1963. The purpose of the Part was to provide regulations governing the contents of tariff publications by common carriers by water in the domestic offshore commerce of the United States. The Commission has now had several years experience working with the tariffs filed under the existing rules, and has determined that due to containerization of cargo an additional rule is necessary to insure the propriety of payments to carriers when such carriers name rates and charges applicable to cargo moving in containers.

The rule making proceeding was postponed to permit informal discussions concerning industry implications of the proposed rules as originally published. These discussions have been concluded and it appears that the proposed rules require changes for the purpose of clarity.

Therefore, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 USC 553), sections 18(a) and 43 of the Shipping Act, 1916 (46 USC 817a and 841(a)), and section 2 of the Intercoastal Shipping Act, 1933 (46 USC 843), notice is hereby given that the Federal Maritime Commission is considering amending § 531.5 by adding a new paragraph (j) reading as follows:

(j)(1) Tariffs which publish rates and/or charges on containerized cargo which rates or charges are to be determined by the full or partial utilization of the cubic capacity or weight capacity of a container(s); such as, exclusive use, minimum charges per container, per container rates, must provide that the rates and/or charges as published are subject to the container specifications of the carrier(s) owned or leased container(s) which are as shown on designated pages of the freight tariff, or that the rates and/or charges as published are subject to the container specifications of the carrier(s) owned or leased container(s) as listed in a governing tariff.

(2) Where container(s) of a different specification than that provided in the rate item(s) are permitted, the unit freight charges shall be adjusted by either a formula or a conversion table. If a conversion table is published, the capacity increments must be of a reasonable size and may not be open ended as to either a maximum or minimum capacity.

(3) The specifications of containers shall include the identification of the container by serial number or similar

identification device, the dimensions of the container; viz: inside and outside, length, height and width and the cubic capacity stated in feet or meters as well as the light weight and maximum load weight stated in pounds or kilos. For the purpose of this rule a container shall also include trailer(s).

Interested persons may participate in this rule making proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 31, 1974 an original and 15 copies of their views or arguments pertaining to the proposed amended rules. All suggestions for changes in the text as set out above should be accompanied by drafts of the language thought necessary to accomplish the desired change and by statements and arguments in support thereof.

The Federal Maritime Commission, Bureau of Hearing Counsel, shall participate in the proceeding and shall file Reply to Comments on or before August 21, 1974 serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed written comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before September 3, 1974.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.74-15253 Filed 7-2-74;8:45 am]

[46 CFR Part 536]

[Docket No. 73-39]

WATER CARRIERS IN THE FOREIGN COMMERCE OF THE UNITED STATES

Filing of Tariffs

Notice was originally given on July 19, 1973, 38 FR 19238 that the Federal Maritime Commission is considering the revision of Part 536 of this Chapter which contains the regulations governing the contents of tariff publications by common carriers by water in the foreign commerce of the United States and by conferences of such carriers.

Part 536 became effective July 1, 1965. The purpose of the Part was to provide regulations governing the contents of tariff publications by common carriers by water in the foreign commerce of the United States and by conferences of such carriers. The Commission has now had several years experience working with the tariffs filed under the existing rules, and has determined that due to containerization of cargo an additional rule is necessary to insure the propriety of payments to carriers when such carriers or conferences of such carriers name rates and charges applicable to cargo moving in containers.

This rule making proceeding was postponed to permit informal discussions concerning industry implications of the proposed rules as originally published. These discussions have been concluded and it appears that the proposed rules require changes for the purpose of clarity.

Therefore, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 USC 553) and sections 18(b) and 43 of the Shipping Act, 1916 (46 USC 817b and 841(a)), notice is hereby given that the Federal Maritime Commission is considering amending paragraph (b)(9) of § 536.4 by the addition of a new subdivision (x) reading as follows:

(x)(A) Tariffs, which publish rates and/or charges on containerized cargo, which rates and charges are to be determined by the full or partial utilization of the cubic capacity or weight capacity of a container(s); such as, exclusive use, minimum charges per container, per container rates, must provide that the rates and/or charges as published are subject to the container specifications of the carrier(s) owned or leased container(s) which are as shown on designated pages of the freight rate tariff, or that the rates and/or charges as published are subject to the container specifications of the carrier(s) owned or leased container(s) as listed in a governing tariff.

(B) Where container(s) of a different specification than that provided in the rate item(s) are permitted, the unit freight charge shall be adjusted by either a formula or a conversion table. If a conversion table is published the capacity increments must be of a reasonable size and may not be open ended as to either a maximum or minimum capacity.

(C) The specifications of containers shall include the identification of the container by serial number or similar identification device, the dimensions of the container, viz: inside and outside, length, height and width and the cubic capacity stated in feet or meters as well as the light weight and maximum load weight stated in pounds or kilos. For the purpose of this rule a container shall also include trailer(s).

Interested persons may participate in this rule making proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 31, 1974 an original and 15 copies of their views or arguments pertaining to the proposed amended rules. All suggestions for changes in the text as set out above should be accompanied by drafts of the language thought necessary to accomplish the desired change and by statements and arguments in support thereof.

The Federal Maritime Commission, Bureau of Hearing Counsel, shall participate in the proceeding and shall file Reply to Comments on or before August 21, 1974 serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed written comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before September 3, 1974.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.74-15254 Filed 7-2-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-10880]

REPORTING OF MARKET INFORMATION

Extension of Comment Period

The Commission has extended from June 14, 1974 to July 5, 1974 the period for submission of comments on a proposal (39 FR 17770, May 20, 1974) to amend Rule 17a-15 (17 CFR 240.17a-15) [1] under the Securities Exchange Act of 1934. Rule 17a-15 provides for reporting of price and volume of completed transactions with respect to securities registered on exchanges. The purpose of the amendment is to establish procedures for appeal to the Commission from certain actions which may be taken pursuant to any consolidated tape plan declared effective by the Commission under the Rule.[2]

The Commission determined to extend the period in view of a request for such an extension.

(Secs. 17(a), 23(a), 48 Stat. 897, 901, 49 Stat. 1379, 52 Stat. 1076, 15 U.S.C. 78q., 78w)

By the Commission.

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

JUNE 26, 1974.

[FR Doc.74-15238 Filed 7-2-74;8:45 am]

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[1] Securities Exchange Act Release No. 10788 (May 10, 1974).

[2] On May 10, 1974, the Commission declared effective the consolidated tape plan filed by the American, Midwest, New York, Pacific and PBW Stock Exchanges and the NASD (Securities Exchange Act Release No. 10787).

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 STATE

[CM-R1]

ADVISORY COMMITTEES

Reports on Closed Meetings

The Federal Advisory Committee Act (P.L. 92-463, sec. 10(d)) and the Office of Management and Budget Circular A-63 of March 27, 1974, requires that an advisory committee make an annual report summarizing the discussion or activity of a committee meeting held which was closed in accordance with an exemption specified in the Freedom of Information Act.

During the calendar year 1973 nine of the advisory committees of the Department of State held a closed or partially closed meeting or meetings. Reports of eight of these advisory committees have been completed and copies have been deposited with the Library of Congress (P.L. 92-463, Section 13) for public reference. The report of the ninth committee, the Advisory Committee on "Foreign Relations of the United States," has not yet been submitted to the Department. When the report is received from the Committee copies will be forwarded to the Library of Congress, and an announcement of that action will be published in the FEDERAL REGISTER.

The eight committee reports now available at the Library of Congress are:

Advisory Committee on International Intellectual Property
Advisory Committee on the Law of the Sea
Advisory Committee on Science and Foreign Affairs
Advisory Committee to United States Section, International North Pacific Fisheries Commission
Ocean Affairs Advisory Committee
Shipping Coordinating Committee, Subcommittee on Code of Conduct for Liner Conferences
The Advisory Panel on International Law
The United States Advisory Commission on International Educational and Cultural Affairs

Anyone interested in the reports by the above named committees may inspect them in the Microform Reading Room MB-140 B, Main Building of the Library of Congress, 10 First Street, S.E., Washington, D.C.

SUE M. MORELAND,
Advisory Committee Management Officer.

JUNE 27, 1974.

[FR Doc.74-15223 Filed 7-2-74;8:45 am]

Agency for International Development

DOCARE INTERNATIONAL, INC.

Registration as Voluntary Foreign Aid Agency

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D.) Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Docare International, Inc.
886 South Colorado Boulevard
Denver, Colorado 80222

Dated: June 20, 1974.

JAROLD A. KIEFFER,
Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.74-15197 Filed 7-2-74;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T. D. 74-180]

FOREIGN CURRENCIES

Certification of Exchange Rates

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-124 for the following country. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Austria schilling:	
June 6, 1974	$0.0559
June 7, 1974	.0559

[SEAL] R. N. MARRA,
Director, Duty Assessment Division.

[FR Doc.74-15250 Filed 7-2-74;8:45 am]

Office of Economic Stabilization

[Order 1]

CHIEF COUNSEL; ASSOCIATE DIRECTOR FOR OPERATIONS; AND ASSOCIATE DIRECTOR FOR WAGES, OFFICE OF ECONOMIC STABILIZATION

Delegations of Authority

Pursuant to the authority vested in me as Director, Office of Economic Stabilization, by Treasury Department Order 233, it is hereby ordered as follows:

1. There is hereby delegated to the Chief Counsel, Office of Economic Stabilization, subject to the general policy guidance of the Director, authority to:

(a) Represent the Office of Economic Stabilization and make recommendations to the Department of Justice concerning litigation involving the Office of Economic Stabilization, or its predecessors, or any of its officials as representatives of the Office of Economic Stabilization.

(b) Make recommendations to the Department of Justice as to the prosecution of violations and the handling of any court proceedings relating to regulations and orders of the Office of Economic Stabilization or its predecessors.

(c) Compromise and collect civil penalties for violations of the regulations and orders of the Office of Economic Stabilization or its predecessors.

(d) Issue legal opinions and interpretations of the regulations, decisions, and orders of the Office of Economic Stabilization or its predecessors and the laws relating thereto.

(e) Consider and decide all appeals from adverse determinations by the Internal Revenue Service respecting interpretation of Economic Stabilization regulations, decisions and orders.

2. (a) There is hereby delegated to the Associate Director for Operations, Office of Economic Stabilization, subject to the general policy guidance of the Director, authority to take the following actions with respect to prices charged prior to May 1, 1974:

(i) Make decisions and issue orders with respect to request for price adjustments, prenotified price increases, and all other filings requiring decisions made pursuant to the price stabilization regulations.

(ii) Make decisions and issue orders with respect to individual requests for exceptions from firms or for class exceptions made pursuant to the price stabilization regulations.

(iii) Make decisions and issue orders with respect to requests for reconsideration of adverse actions taken by the Office of Economic Stabilization, its predecessors, or the Internal Revenue Service, or taken under this paragraph.

(iv) Make decisions and issue orders with respect to individual requests for volatile pricing authorization, treatment as loss/low profit firms, or modification of term limit pricing authorizations made pursuant to the price stabilization regulations.

(v) Monitor price increases and adjustments put into effect prior to May 1, 1974; notify persons of probable violations of the regulations and orders of the Office of Economic Stabilization and its predecessors; issue remedial orders; monitor remedial activities and approve compliance actions with respect thereto.

(vi) Request information and conduct hearings with respect to the functions delegated herein.

(b) There is further delegated to the Associate Director for Operations, subject to the guidance of the Director, authority to conduct the following operations in support of the Office of Economic Stabilization:

(i) Appoint cashiers and certify financial statements.

(ii) Administer such special funds as may be required for carrying out the functions of the Office of Economic Stabilization.

(iii) Administer personnel management activities including effectuation of personnel actions.

(iv) Administer support service activities.

(v) Direct the Internal Revenue Service to conduct investigations to determine whether persons are in compliance with the Economic Stabilization Regulations and the orders issued thereunder.

3. (a) There is hereby delegated to the Associate Director for Wages, subject to the general policy guidance of the Director, authority to take the following actions with respect to pay adjustments for work performed prior to May 1, 1974:

(i) Process, consider, decide and issue decisions and orders with respect to individual cases involving pay adjustments for work performed prior to May 1, 1974, presented to the Office of Economic Stabilization or its predecessors under the policies, rulings and regulations of the Office of Economic Stabilization or its predecessors. This delegation includes the authority to process exception requests, pay challenges, executive compensation submissions, requests for approval of construction pay adjustments, appeals from Internal Revenue Service adverse actions, and related matters.

(ii) Rule on any request for review, reconsideration, rescission or modification of initial decisions involving pay adjustments issued by the Office of Economic Stabilization, its predecessors, or the Internal Revenue Service.

(iii) Monitor pay adjustments and issue challenges with respect to pay adjustments effective with respect to work performed prior to May 1, 1974, as provided by regulations of the Office of Economic Stabilization or its predecessors.

(iv) Request information and conduct hearings with respect to the functions delegated herein.

(b) In the exercise of authority under this paragraph, the Associate Director for Wages may solicit and receive the advice and recommendations of any appropriate individual, group, panel, or committee.

4. All prior delegations of authority by the Chairman and Director of the Cost of Living Council are hereby revoked.

5. Each official to whom authority is delegated by this Order may redelegate that authority.

6. In exercising the authority delegated by this Order or redelegated pursuant thereto, officials of the Office of Economic Stabilization shall be governed by the regulations and rulings of the Office of Economic Stabilization and its predecessors and by the policies, procedures, and controls prescribed by the Director of the Office of Economic Stabilization.

7. Actions taken on requests for review, reconsideration, rescission, or modification by the Chief Counsel, by the Associate Director for Operations, and by the Associate Director for Wages are administratively final. Review of these actions may be sought in the appropriate Federal district court pursuant to section 211 of the Economic Stabilization Act of 1970, as amended P.L. 92–210; 85 Stat. 744).

8. This Order is effective July 1, 1974.

ANDREW T. H. MUNROE,
Director, Office of Economic Stabilization, Department of the Treasury.

[FR Doc.74–15372 Filed 7–2–74;8:45 am]

Office of the Secretary

[Treasury Dept. Order 233]

OFFICE OF ECONOMIC STABILIZATION

Establishment and Delegation of Authority

By virtue of the authority vested in me as Secretary of the Treasury, including that in Reorganization Plan No. 26 of 1950, and that delegated to me by Executive Order 11788, June 18, 1974 (39 FR 22113), it is hereby ordered as follows:

1. There is hereby established, within the Office of the Secretary, an Office of Economic Stabilization headed by a Director and reporting to the Assistant Secretary for Administration. It is the function of such Office to provide for the orderly termination of the Economic Stabilization Program.

2. All the powers and duties delegated to the Secretary by Executive Order 11788, June 18, 1974 (39 FR 22113), except for (a) the authority contained in subsections 5(a) (2) and (3) of that Order, the power to appoint one officer to an Executive Schedule position and the power to place not more than three positions in GS–16, 17 and 18; or (b) as otherwise provided herein, are delegated to the Director, Office of Economic Stabilization; provided however, that the authority delegated herein shall be exercised subject to the supervision and policy direction of the Assistant Secretary for Administration.

3. Pending the issuance of delegations of authority by appropriate officials of this Department under existing delegations from the Secretary of the Treasury, and with the exception of the authority to procure property and services for the Office of Economic Stabilization, which is hereby reserved to the Assistant Secretary for Administration, the Director, Office of Economic Stabilization is hereby authorized to:

(a) appoint cashiers and certify financial statements;

(b) subject to the limitations contained in sections 5 and 6 of Treasury Personnel Manual Chapter 250, to:

(i) administer and conduct personnel management and training activities;

(ii) approve and effectuate all position classification actions which involve positions up to and including GS–15; and

(iii) take all necessary personnel actions, including appointments, position changes, suspensions, and separations.

(c) perform all other operational functions normally performed by an office or bureau head.

4. All existing regulations, rules, instructions and forms heretofore issued or adopted by the Cost of Living Council and others for the administration of the Economic Stabilization Program pursuant to the Economic Stabilization Act of 1970, as amended, are hereby continued in effect as regulations, rules, instructions and forms of the Office of Economic Stabilization, Department of the Treasury, until superseded or revised.

5. Regulations for the purpose of carrying out the powers and duties delegated to the Director, Office of Economic Stabilization including the revision or supersession of regulations, rules, instructions and forms referred in section 4 of this order, may be issued by the Director, Office of Economic Stabilization.

6. The authorities delegated by this order may be further redelegated, except that the authority to redelegate to officials not within the Office of Economic Stabilization is hereby reserved and delegated to the Assistant Secretary for Administration.

7. This order is effective July 1, 1974 and shall continue through December 31, 1974.

Dated: June 28, 1974.

[SEAL] WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.74–15328 Filed 7–2–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

AREA MANAGERS; BONNEVILLE AND WASATCH RESOURCE AREAS, UTAH

Delegation of Authority

Under authority of Bureau Order 701, dated July 23, 1964, as amended, the

Area Managers administering the Bonneville and Wasatch Resource Areas of the Salt Lake District, Utah, are authorized to act on the following matters:

Within his area of responsibility in accordance with existing policies and regulations of the Department, and under direct supervision of the Salt Lake District Manager, he may exercise the functions of the Bureau Director on the matters specified below subject to the limitations of Bureau Order 701, Part III.

AUTHORITY IN SPECIFIC MATTERS

SEC. 3.3 Fiscal affairs, the Area Manager may take action on:

(d) Trespass: Determine liability and issue notice on grazing trespass; recommend as to acceptance of settlement offer made.

SEC. 3.7 Range management. The Area Manager may take all action on:

(a)(1) Within grazing districts, the issuance of licenses and permits to graze or trail livestock.

(2) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(3) Expenditure of funds appropriated by Congress contributed by individuals, associations, advisory boards, or others for the construction, purchase or maintenance of range improvements.

(d) Soil and moisture conservation; control of halogeton glomeratus.

SEC. 3.8 Forest Management. The Area Manager may take all action to:

(a) Disposition of forest products including sales of timber not exceeding 250 mbf.

SEC. 3.9 Land use. The Area Manager may take all action on:

(g) Disposition of materials other than forest products, not exceeding $100.00 in value.

The District Manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through use of Form 1213–1, District Office Authority and Responsibility Guide.

This order will become effective on July 3, 1974.

Dated: June 12, 1974.

GERALD E. HILLIER,
District Manager.

[FR Doc.74–15196 Filed 7–2–74;8:45 am]

[New Mexico 21688, 21690, 21706, 21803, 21804, 21811, 21813]

NEW MEXICO

Notice of Applications

JUNE 21, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for seven 4½-inch natural gas pipelines right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 6 W.,
Sec. 3, SE¼NE¼;
Sec. 12, NW¼NE¼; N½NW¼, SW¼NW¼ and SW¼SE¼;
Sec. 13, W½NW¼ and NE¼SW¼;
Sec. 23, SE¼NE¼ and NE¼SE¼;
Sec. 24, SW¼NW¼ and NW¼SE¼.

These pipelines will convey natural gas across 1.288 miles of national resource land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–15153 Filed 7–2–74;8:45 am]

[NM 21819, 21822, 21825]

NEW MEXICO

Notice of Applications

JUNE 21, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 2⅜ inch natural gas pipelines right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 5 W.,
Sec. 14, SE¼NE¼.
T. 28 N., R. 7 W.,
Sec. 26, S½NE¼;
Sec. 36, lot 3.

These pipelines will convey natural gas across .147 miles of national resource land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–15195 Filed 7–2–74;8:45 am]

SIMULTANEOUS OIL AND GAS FILINGS

Revised Drawing Entry Card Required

The purpose of this notice is to advise the public that simultaneous oil and gas lease drawing entry card (Form 3112–1, July 1973) has been revised. The purpose of the revision is to expedite the administration of the simultaneous oil and gas filings under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181 et seq.) as amended. Since the drawing entry card was last revised in July 1973, the rate of filings has increased substantially each month. The rate of filings has doubled from an estimated 650,000 in fiscal year 1973 to an estimated 1,300,000 for the fiscal year beginning July 1, 1974. This increase has created a significant administrative burden which has delayed drawings and the issuance of leases and generally slowed the entire filing procedures.

Notice is hereby given that on and after August 1, 1974, applicants for oil and gas leases under the simultaneous oil and gas leasing procedures (43 CFR 3112) must use a revised one part drawing entry card, Bureau of Land Management Form 3112–1, May 1974. Applications filed on the present three part card Form 3112–1 July 1973, will not be accepted after August 1, 1974. The revised one part card must be fully completed and executed and must be timely filed in the appropriate State Office of the Bureau of Land Management in order to participate in the drawing. Failure to complete any part of the card will disqualify the applicant for participation in the drawing and will result in the retention of the $10 filing fee by the Federal Government as a service charge.

GEORGE L. TURCOTT,
Associate Director,
Bureau of Land Management.

JULY 1, 1974.

[FR Doc.74–15316 Filed 7–2–74;8:45 am]

Office of Oil and Gas

COORDINATING SUBCOMMITTEE COMMITTEE ON EMERGENCY PREPAREDNESS, NATIONAL PETROLEUM COUNCIL

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

The Coordinating Subcommittee of the Committee on Emergency Preparedness of the National Petroleum Council will meet at 9:30 a.m. on July 16, 1974 in the Conference Room of the National Petroleum Council, 1625 K Street NW., Washington, D.C. The purpose of the meeting is to review and discuss the progress of working subcommittees in the development of contributions to a final report and to discuss a timetable for completion of a final committee report. The Committee and its subcommittees and task groups are engaged in studies involving a temporary denial or marked reduction in the volume of imported oil available to the United States and the availability of materials, manpower and

equipment for oil exploration, drilling and production in the United States. These studies were requested by the Department of the Interior on December 5, 1972 and December 21, 1973.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

The purpose of the National Petroleum Council is to provide advice, information and recommendations to the Secretary of the Interior, upon request, on any matter relating to petroleum or the petroleum industry.

Further information with respect to this meeting may be obtained from Ben Tafoya, Office of Oil and Gas, Department of the Interior at the Federal Energy Office, Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington, D.C., telephone number 961–8601.

Dated: June 26, 1974.

ROBERT L. PRESLEY,
Assistant Director, Emergency Preparedness, Office of Oil and Gas, Department of the Interior.

[FR Doc.74–15189 Filed 7–2–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

KELLY-BULLION PLANNING UNIT MULTIPLE USE PLAN, IDAHO

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Kelly-Bullion Planning Unit, Forest Service Report Number USDA–FS–DES (Adm) R1–74–17.

The environmental statement concerns a proposed action to implement management guidance for the Kelly-Bullion Planning Unit as developed through land use planning procedures of the Northern Region. The Kelly-Bullion Unit contains 39,100 acres and is located in the Nezperce National Forest, Idaho County, Idaho.

This draft environmental statement was filed with CEQ on June 26, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, DC 20250

USDA Forest Service
Northern Region
Federal Building
Missoula, MT 59801

USDA Forest Service
Nezperce National Forest
319 East Main
Grangeville, ID 83530

A limited number of single copies are available upon request to Forest Supervisor Donald L. Biddison, Nezperce National Forest, 319 East Main, Grangeville, ID 83530.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Donald L. Biddison, Nezperce National Forest, 319 East Main, Grangeville, ID 83530. Comments must be received by August 26, 1974 in order to be considered in the preparation of the final environmental statement.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

[FR Doc.74–15224 Filed 7–2–74;8:45 am]

ROCK CREEK ADVISORY COMMITTEE

Notice of Meeting

The Rock Creek Advisory Committee will meet at 9 a.m. on July 27, 1974. Meeting place will be in Philipsburg, Montana, at the Philipsburg Ranger Station.

The purpose of this meeting is to have a field trip into Upper Rock Creek to discuss Forest Service management alternatives and to discuss inventory ratings for various lands uses based on land capability and suitability.

The meeting will be open to the public. Any member of the public who wishes to do so shall be permitted to file a written statement with the Committee before or after the meeting. To the extent that time permits, the Committee Chairman may permit interested persons to present oral statements at the meeting.

General participation by members of the public, or questioning of Committee members or other participants shall not be permitted unless approved by the majority of Committee members.

ROBERT L. SHACKELFORD,
Acting Forest Supervisor, Deerlodge National Forest.

JUNE 26, 1974.

[FR Doc.74–15225 Filed 7–2–74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 125]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through May 31, 1974, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total, all flags (164 ships)	1,261,538
Cyproit (77 ships)	651,339
Aegis Banner	9,024
Aegis Courage	8,961
Aegis Eternity	8,814
Aegis Fame	9,241
*Aegis Force	8,947
Aegis Hope (previous trips to Cuba as the Huntsmore—British)	5,678
Aegis Loyal	11,035
*Aegis Might	8,160
Aegis Strength	9,439
Aftadelfos	8,136
Aghia Tholassini	8,120
Aghios Georgios	8,377
Akrotiri (previous trips to Cuba as the Anemone)	7,168
Alamar	12,299
Alexandros Skoutaris	8,280
Alma	9,097
Alpa	9,159
Amarilis	8,959
**Andriana I (previous trips to Cuba as the Rowanmore—British)	8,274
Antigoni	3,174
*Antonios	8,202
Areti	8,560
Arion	5,245
Aris (previous trips to Cuba as the Aris II)	9,561
Armar	9,559
Artigas	5,841
Anthenian Democracy (tanker)	8,675
Baracoa	9,242
Begonia	6,576
Byron (tanker)	8,720
Camelia	8,111
Castalia	7,641
Cleopatra	8,150
Degedo	9,079
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
Eftyhia (trips to Cuba—Greek)	10,347
Elpida	8,382
Enarxis	9,212
*Fulvia	10,360
George N. Papalios	9,071
Georgios C. (previous trips to Cuba as the Huntsfield—British and Cypriot	9,483
Georgios T	9,646
Goodluck	7,307
Granikos (previous trips to Cuba as the Silver Coast)	7,473
Hymettus (tanker)	12,038
**Irene's Pride (ex-Kika, Panama—previous trips to Cuba as the Santa Lucia—Italian)	9,278
Iris	8,479
Kiki (previous trips to Cuba as the Gardenia)	9,723
Kitsa	9,519
Magnolia	7,249
Margaret H	8,482
Master George	7,334
**Miesto (Ex-Urdazuri II trip to Cuba as the Meike—Netherlands)	500

Cypriot—Continued	Gross tonnage
Mimis N. Papalios	9,069
Mimosa	8,782
Miss Papalios	9,241
Mitera Assimina	7,731
Nea Hellas	9,241
Nike	9,689
Pantazis Caias	9,618
Petunia	7,843
Protoapostolos	8,130
Protoklitos	7,984
Protomachos	9,218
Ravens	8,039
Reifens	8,071
Rothens	8,106
Salvia	8,671
*Seafarer	8,267
Silver Hope	5,319
Skipper	8,786
Successor	11,471
*Takis Alexakos	9,249
Theoskepasti	6,618
Torenia	8,077
Venturer	9,070
Zinnia	7,114
Somali (29 ships)	239,178
*Agate Islands	8,738
Amber Islands	8,947
Atlantic Ocean	9,077
**Atlas (trip to Cuba—Finnish)	3,916
Ber Sea	8,167
Coral Islands (previous trips to Cuba—British)	8,673
Eastglory (previous trips to Cuba—British)	8,932
Feihang	8,684
Feita	8,661
Flores Sea	9,107
**Fortune Enterprise (trips to Cuba—British)	7,696
**Golden Bridge (previous trips to Cuba—British)	7,898
Hemisphere (previous trips to Cuba—British)	8,748
Jade Islands	10,250
**Jollity (trips to Cuba—British)	8,626
**Kinross (previous trips to Cuba—British)	5,258
Marble Islands	8,797
Mindanao Sea	8,871
Minfung	5,980
Mingwei	8,390
Molucca Sea	8,871
Nebula (previous trips to Cuba—British)	8,773
**New East Sea (previous trips to Cuba—British)	9,384
Onyx Islands	8,618
Opal Islands	9,063
Sea Pioneer	9,532
**Seasage (previous trips to Cuba—British)	3,794
Topaz Islands	8,998
**Venice (trips to Cuba—British)	8,504
Polish (12 ships)	85,460
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,654
Grodziec	3,487
Huta Zgoda	6,840
Hutnik	10,632
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Rejowiec	3,401
Transportowiec	10,629
British (8 ships)	64,250
Arctic Ocean	8,701
Cheung Chau	8,566
Ho Fung	7,121
Ivory Islands	9,718
Mystic	6,656
Sea Moon	9,085
Steed	8,989
Yunglutation	5,414
Yugoslav (8 ships)	56,988
Agrum	2,449
Bar	8,699
Cetinje	8,120
Niksic	9,916
Piva	7,441
Plod	4,707
Tara	7,441
Ulcinj	8,215
French (4 ships)	9,947
Capitoine Nemo (ex-Atlanta—previous trips to Cuba as the Enee	1,232
Circe	2,874
Danae	2,967
Nelee	2,874
Greek (6 ships)	48,462
Aegis Legend (previous trips to Cuba—Cypriot)	8,814
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
Annunciation Day (previous trips to Cuba—Cypriot)	8,047
**Despina A. II (Ex-Goodluck—previous trips to Cuba—Cypriot)	6,906
**Kavo Grossos (Ex-Triaena—previous trips to Cuba as the Lambros M. Fatsis and the La Hortensia—British)	9,486
*Mareantes	8,497
Netherlands (6 ships)	6,794
Antarctic	1,384
Leo Polaris	1,528
Markab II	790
Megrez (previous trips to Cuba as the Gerda)	1,190
Rochab	787
Tempo	1,115
Argentine (3 ships)	24,633
*Entre Rios	7,381
*Fletero	7,607
*Patagonia Argentina	9,645
Italian (3 ships)	36,079
Alderamine (tanker)	12,597
Elia (tanker)	11,021
San Nicola (tanker)	12,461
Moroccan (2 ships)	4,739
El Mansour Bi Llah	1,525
Marrakech	3,214
Singapore (2 ships)	15,611
**Hwa Chu (trips to Cuba—British)	9,091
Tong Hoe	6,520
Guatemalan (1 ship)	2,239
**Peten (previous trips to Cuba as the Magister—British)	2,239
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852
Lebanese (1 ship)	6,259
Antonis	6,259
Pakistani (1 ship)	8,708
**Maulabaksh (trips to Cuba as the Phoenician Dawn and East Breeze—British)	8,708

NOTE: The SEA AMBER and SEA CORAL have been removed from British flag registry since they have been transferred to the People's Republic of China and renamed DONG MING and KUNMING respectively.

*Added to Report No. 124 appearing in the FEDERAL REGISTER issue of March 27, 1974.

**Ships appearing on the list which have made no trips to Cuba under their present registry.

SEC. 2. In accordance with approved procedures, the following vessels listed in this section which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance;

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report	Gross tonnage
Kentavros (Cypriot)	10,173

b. Previous reports: Flag of registry:	Number of ships
British	49
Cypriot	12
Danish	1
Finnish	4
French	4
Germany (West)	1
Greek	31
Israeli	1
Italian	15
Japanese	1
Kuwaiti	1
Lebanese	9
Liberia	1
Moroccan	2
Norwegian	5
Singapore	1
Somali	2
Spanish	6
Swedish	1
Yugoslav	2
Total	149

SEC. 3. The following number of vessels have been removed from this list since they have been broken up, sunk or wrecked.

a. Since last report:	Gross tonnage
Aegis Care (Cypriot)	7,803
Aghios Ermolaos (Cypriot)	7,208
Alda (Cypriot)	7,292
Ariadne (Greek)	6,487
Baltyk (Polish)	6,984
Herodemos (Cypriot)	7,356
Huta Ostrowiec (Polish)	7,179
June (Cypriot)	9,357
Marbella (Somali)	8,409
Mariner (Cypriot)	7,916
May (Cypriot)	8,853
Oriental (Somali)	5,986
Pothiti (Greek)	9,486
Shun Wah (British)	7,265

b. Previous reports: Flag of registry:	Broken up, sunk, or wrecked
British	36
Cypriot	90
Finnish	6
French	1
Greek	21
Italian	5
Japanese	1
Lebanese	37
Maltese	3
Polish	7
Monaco	1
Moroccan	1
Norwegian	1
Pakistani	1
Panamanian	9
Singapore	1
Somali	3
South Africa	2
Swedish	1
Yugoslav	7
Total	234

SEC. 4. The Ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through May 31, 1974. (See table below.)

Flag of registry	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	Jan.-Mar. 1974	Total
British	133	180	126	101	78	62	45	53	18	10	6	1	813
Cypriot		1	17	27	42	68	115	199	173	86	96	28	852
Lebanese	64	91	58	25	16	16	4	1					275
Greek	99	27	23	27	29	7			1	1		1	215
Italian	16	20	24	11	11	10	15	13	9				129
Yugoslav	12	11	15	10	14	9	6	7	9	5	9	1	108
French	8	9	9	10	10	4	2	5	2	2	1		62
Finnish	1	4	5	11	12	8	2	1					44
Spanish	9	17											26
Norwegian	14	10											24
Moroccan	9	13	1							1			24
Maltese		2	6	1	4	8	1	2					24
Somali					2	11	7	4	6	6	23	3	62
Netherlands		4	2							8	17	5	36
Swedish	3	3											6
Kuwaiti		2	1										3
Israeli			2										2
Japanese	1					1						3	2
Argentine													3
Danish	1												1
German (West)	1												1
Haitian			1										1
Monaco				1									1
Singapore									1				1
Subtotal	371	394	290	224	218	204	197	285	219	119	152	42	2,715
Polish	18	16	12	10	11	7	2	3	4				83
Grand total	389	410	302	234	229	211	199	288	223	119	152	42	2,798

NOTE: Trip totals in section 4 exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

Dated: June 27, 1974.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-15160 Filed 7-2-74;8:45 am]

Domestic and International Business Administration

PRESIDENT'S EXPORT COUNCIL

Notice of Meeting

The second meeting of the President's Export Council (PEC) will be held from 9:30 a.m. to 12:30 p.m. on Thursday, July 18, 1974, in Conference Room 208, Old Executive Office Building, 17th and Pennsylvania Avenue NW., Washington, D.C.

The PEC was established by Executive Order 11753 of December 20, 1973 (38 FR 34983) to advise the President, the Council for International Economic Policy (CIEP), and the President's Interagency Committee for Export Expansion (PICEE), through the Secretary of Commerce, on export trade.

The purpose of this meeting will be to discuss the status of the Council's studies on specific topics relating to ways and means to increase U.S. export sales.

The public will be permitted to attend the meeting and a limited number of seats will be available on a first-come, first-served basis. Persons who wish to attend as observers should contact Mr. Friedrich R. Crupe, Executive Secretary of the President's Export Council, U.S. Department of Commerce, Bureau of International Commerce, Washington, D.C. 20230 (telephone 202-967-2373) by 12:00 p.m., Friday, July 12, 1974. Requests to attend should include inquirer's full name, date and place of birth, and company or organizational affiliation. Oral statements or participation by the public in the meeting will not be permitted but interested persons may file written statements with the Council before or after the meeting.

Dated: July 2, 1974.

M. VAN GESSEL,
Deputy Assistant Secretary for International Commerce.

[FR Doc.74-15433 Filed 7-2-74;11:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

VOLUNTARY FILING OF COSMETIC PRODUCT EXPERIENCES

Availability of Forms

In the FEDERAL REGISTER of March 8, 1974 (39 FR 9185), the Commissioner of Food and Drugs issued an order revising the effective date of "Part 174—Voluntary Filing of Cosmetic Product Experiences" (21 CFR Part 174, republished in the FEDERAL REGISTER of March 15, 1974 (39 FR 10054) as 21 CFR Part 730). The initial 6-month reporting period for this program was established as beginning January 1, 1974 and ending June 30, 1974, based on anticipated delivery of forms in sufficient time for reports to be received by the Food and Drug Administration not later than September 1, 1974.

Notice is given that Form FD-2704, "Cosmetic Product Experience Report"; Form FD-2705, "Cosmetic Product Unusual Experience Report"; and Form FD-2706, "Summary Report of Cosmetic Product Experience by Product Categories" are available for distribution. Persons desiring these forms may submit requests to the Industry Guidance Branch, Bureau of Foods, Food and Drug Administration, Department of Health, Education, and Welfare, 200 "C" Street SW., Washington, DC 20204. Those who have already requested forms will receive them directly and need not resubmit their request as a result of this notice.

Dated: June 27, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-15201 Filed 7-2-74;8:45 am]

[Docket No. FDC-D-699 NDA 2-230 Etc.]

WESTERFIELD LABORATORIES, ET AL.

New Drug Applications; Withdrawal of Approval

The holders of the new drug applications listed herein have not submitted annual reports of experience with the drugs as required and have advised the Food and Drug Administration that marketing of the drugs involved has been discontinued. The applicants have requested withdrawal of approval of the new drug applications, thereby waiving the opportunity for a hearing.

NDA No.	Drug name	Applicant's name and address
2-220	Sulfo-Van Ointment	Westerfield Laboratories, Division of Beatrice Scientific Co., 3941 Brotherton Rd., Cincinnati, Ohio 45209.
2-666	AdhesivEase Solution	O'Neal, Jones & Feldman, Inc., Durst-Philadelphia Division, 1683 Winchester Rd., Cornwells Heights, Pa. 19020.
5-603	D-O-E Tablets	Do.
6-589	Thorium X	Fleischman Burd Metals, Inc., 500 Fifth Ave., New York, N.Y. 10036.
7-590	Manibee-Forte-C	Endo Laboratories, Inc., Subsidiary of E.I. DuPont de Nemours & Co., 1000 Stewart Ave., Garden City, N.Y. 11530.
9-079	Nitramitol R.S.	Merrell-National Laboratories, Division of Richardson-Merrell, Inc., Cincinnati, Ohio 45215.
11-017	Aerosol Surfacaine	The Lilly Research Laboratories, Eli Lilly & Co. Indianapolis, Ind. 46206.
11-594	Formula 99 Hexachlorophene-Plus Hand Soap (Heavy Duty).	Armour Pharmaceutical Co., Box 511, Kankakee, Ill. 60901.
11-595	Formula 99 Hexachlorophene-Plus Hand Soap (Borax Type).	Do.
13-432	Boplant	E.R. Squibb & Sons, Inc., Georges Rd., New Brunswick, N.J. 08903.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053 as amended; 21 U.S.C. 355(e)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121), approval of the new drug applications listed above, and supplements thereto, is hereby withdrawn on the grounds that the applicants have failed to make reports under section 505(j) of the Act (21 U.S.C. 355(j)) and § 310.300 or § 310.302 (e) and (f) of the new drug regulations (21 CFR 310.300 and 310.302).

This order shall become effective on July 15, 1974.

Dated: June 27, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74-15200 Filed 7-2-74;8:45 am]

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Notice of Meeting

Notice is hereby given that the next meeting of the National Council on Educational Research will be held on July 12, 1974 in Washington, D.C.

The meeting will be held in Room 823 at the offices of the National Institute of Education, 1200 19th Street NW., Washington, D.C. 20208.

The National Council on Educational Research is established under section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

The Chairman of the Council is Patrick Haggerty, Chairman of the Board, Texas Instruments, Incorporated, Dallas, Texas.

This meeting will be open to the public except for the closed session. The tentative agenda includes:

9:15	Convene.
9:15 to 10:15	General Council business.
10:15 to 4:30	Closed session—discussion of proposed and alternative budget submittals for fiscal year 1976.

The public is invited to attend the open session. Written statements relevant to an agenda item may be submitted at any time and should be sent to the Chairman and the Executive Secretary of the Council at the address below. Requests to address the Council meeting should be submitted in writing to the Chairman and the Executive Secretary at least four days in advance of the meeting. The Chairman will determine whether a presentation should be scheduled.

In order to verify the agenda, assure adequate seating arrangements, or to obtain summaries of this meeting and copies of any resolutions adopted by the Council at this meeting, interested persons are requested to contact Mrs. Caroline Phillips, Executive Secretary, National Council on Educational Research, whose address and telephone number are listed below:

National Council on Educational Research
Office of Planning and Management
National Institute of Education
Washington, D.C. 20208
202-254-7900

EMERSON ELLIOTT,
Deputy Director.

[FR Doc.74-15194 Filed 7-2-74;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Notice of Meeting

Notice of Meeting of the National Advisory Council on Indian Education (Full Council).

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the National Advisory Council on Indian Education (Full Council) will be held on July 18, 19, 20 & 21, 1974, from 9:00 A.M. to 5:00 P.M., at Anchorage, Alaska, Gold Rush Motel. (Spanard—suburb of Anchorage).

The National Advisory Council on Indian Education is established under section 401 of the Indian Education Act (P.L. 92-318, Title IV). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under Section 318 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering Indian Education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other federal laws relating to Indian Education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The proposed agenda includes:

1. Re-access Goals and Objectives of NACIE.
2. Review Title IV of the Indian Education Act.
3. Review programs and projects carried out under any programs of the Department of Health, Education and Welfare which Indian children or adults can participate or from which they can benefit.
4. New Business.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th St. NW, Room 326, Washington, D.C. 20004.

Signed at Washington, D.C. on June 28, 1974.

DWIGHT A. BILLEDEAUX,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.74-15233 Filed 7-2-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice of Oral Argument

In the matter of Northern Indiana Public Service Company (Bailly Generating Station, Nuclear-1).

Notice is hereby given that, in accordance with the Atomic Safety and Licensing Appeal Board's Order of June 27, 1974, oral argument on the exceptions filed to the April 5, 1974 initial decision of the Licensing Board has been calendared for 10 a.m. on Tuesday, July 16, 1974 in the hearing room of the Atomic Safety and Licensing Appeal Panel, fifth floor, East West Towers, 4350 East-West Highway, Bethesda, Maryland.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

JUNE 27, 1974.

[FR Doc.74-15191 Filed 7-2-74;8:45 am]

[Docket No. 50-267]

PUBLIC SERVICE COMPANY OF COLORADO

Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-34 issued to Public Service Company of Colorado (licensee) which revised Technical Specifications for operation of the Fort St. Vrain Nuclear Generating Station (facility), located near Platteville in Weld County, Colorado. The amendment is effective as of its date of issuance.

The amendment permits a revision in the organizations of the licensee's Production Department and the facility. Under the revised organizations (1) the Superintendent, Nuclear Production of the facility reports directly to the licensee's Manager, Production Department; (2) another assistant to the Superintendent, Nuclear Production is added, providing parallel lines of responsibility for Operations and Maintenance; and (3) memberships of the Plant Operations Review Committee and the Nuclear Facility Safety Committee are modified.

The application for the amendment complies with the standards and requirements of the Act and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated May 28, 1974, (2) Amendment No. 2 to License No. DPR-34, with any attachments, and (3) the letter transmitting Amendment No. 2 to the Public Service Company of Colorado, which includes an evaluation of the requested change. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Greeley Public Library, City Complex Building, Greely, Colorado 80631.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 27th day of June 1974.

For the Atomic Energy Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors Branch, Directorate of Licensing.

[FR Doc.74-15192 Filed 7-2-74;8:45 am]

[Docket Nos. 50-338, 50-339]

VIRGINIA ELECTRIC & POWER CO.

Notice and Order for Prehearing Conference

In the matter of Virginia Electric and Power Company (North Anna Power Station, Units 1 and 2).

Take notice that pursuant to the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, a Prehearing Conference will be held commencing at 9:30 a.m. local time on July 19, 1974, at the U.S. Tax Court, Room 2132, 111 Constitution Avenue NW., Washington, D.C.

The Board notes and appreciates the efforts of the parties seeking to: particularize the issues; determine scope and extent of discovery; and set a proposed schedule for the conduct of the proceeding.

As one result of such efforts, the Board understands that on or about July 12, 1974, the party Intervenor will:

(1) Submit a further limitation and specification of issues for each alleged misstatement; a statement of what was known or should have been known, and the factual and/or legal issues raised thereby;

(2) Submit his informal discovery requests to the Applicant.

The Board further understands that on July 18, 1974, the parties will again confer and submit to each other written:

(1) Objections to issues or alternative statements of issues;

(2) Objections to discovery requests.

After such meeting of July 18, the parties should be in the position of either stipulating to a joint statement of issues, and scope of discovery, or providing the Board with specific areas of disagreement as to issues and discovery. The Board expects a complete discussion and report on the status of all such efforts. Accordingly, the Board will inquire during the Prehearing Conference on July 19 as to the proposed joint statement of issues, and proposed scope of discovery.

The Board and the parties have also discussed a final date for commencing the Evidentiary Hearing on this matter, which date is tentatively scheduled to occur on or about September 15, 1974. Other procedural dates leading to the commencement of the Evidentiary Hearing will be discussed at the Prehearing Conference.

It is so ordered.

Issued at Bethesda, Maryland, this 27th day of June 1974.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-15193 Filed 7-2-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26776; Order 74-6-30]

CHARTER AUTHORITY OF CANADIAN FOREIGN AIR CARRIERS

Statement of Tentative Findings and Conclusions and Order to Show Cause

Correction

In FR Doc. 74-13334 appearing at page 20526 in the issue for Tuesday, June 11, 1974, make the following changes:

1. On page 20527 the 31st line of footnote 4, reading "Airways Ltd. (Docket 25046), Waterloo Weli-", should read "Aviation Ltd. c.o.b. Central Airways (Docket"; and the following should be added as the last line of footnote 4: "senger/7,500 pound maximum.".

2. On page 20528, in the first heading of Appendix A "By the Government" should read "By the Government of Canada"; and the last three lines in the middle column of that page should be transferred to the top of the third column.

[Docket No. 26494; Order 74-6-131]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Increased Fuel Costs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of June, 1974.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement which has been assigned C.A.B. agreement number 24485, R-1 through R-3, was adopted at the North and Mid-Atlantic Conferences held at Fort Lauderdale, Florida in June 1974 and relates to increasing passenger fares in the North and Mid-Atlantic due to increasing fuel prices.

The agreement would increase passenger fares to and from New York, over the North Atlantic, by five percent, effective August 1, 1974, and the amount of increase applicable for New York will apply to all points in the United States. The agreement would also increase passenger fares over the Mid-Atlantic by four percent, effective August 1, 1974.

The purpose of this order is to establish procedural dates for the receipt of juification, comments and replies in support of, or in opposition to, the agreement. All U.S. carrier members of IATA operating passenger services in the North and Mid-Atlantic are required to submit complete and detailed justification in support of the agreement. The data presented in their justifications should include, but not be limited to, actual or contractual prices per gallon for fuel since September 1973 and financial forecasts, including traffic and capacity projections and estimated fuel consumption, for the year ending

June 30, 1975, with and without the proposed increases, and the revenue gain anticipated from implementing the instant agreement as well as the revenue gain from previous fuel-related agreements.

Accordingly, *It is ordered*, That:

1. All United States air carrier members of the International Air Transport Association operating passenger services over the North and Mid-Atlantic shall file by July 12, 1974 full documentation and economic justification (as described above) in support of the subject agreement;

2. Comments and/or objections from interested persons shall be submitted by July 19, 1974; and

3. Tariffs implementing the subject agreement shall not be filed in advance of Board action on the subject agreement.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-15244 Filed 7-2-74;8:45 am]

[Docket No. 25280; Order 74-6-126]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority June 27, 1974.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences fo the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreements name additional specific commodity rates as set forth below, reflecting reductions from general cargo rates; and were adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated June 11, 1974 and June 18, 1974, respectively.

Agreement C.A.B.	Specific commodity item No.	Description and rate
24449	1485	Seeds, 110 cents per kg., minimum weight 1000 kgs. From Auckland to Los Angeles
24474:		
R-1	1475	Plants, 134 cents per kg., minimum weight 100 kgs. 122 cents per kg., minimum weight 500 kgs. From Lille to New York/Montreal.
R-2	9993	Removal of Household Goods and Personal Effects [1] 180 cents per kg., minimum weight 500 kgs. From Kinshasa to New York.

[1] See tariff for complete commodity description.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, *It is ordered*, That:

1. Agreement C.A.B. 24449 and Agreement C.A.B. 24474, R-1 and R-2, be and hereby are approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

2. The findings and approval herein shall not be deemed to modify the findings and Order of the Board in its decision in *Agreements Adopted by IATA Relating to North Atlantic Cargo Rates*, Order 73-2-24 of February 6, 1973, Order 73-7-9 of July 5, 1973, Order 73-9-109 of September 28, 1973, and Order 74-4-7 of April 2, 1974 and are subject, where applicable, to all the provisions of such orders.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-15247 Filed 7-2-74;8:45 am]

[Docket No. 25474]

HAWAII FARES INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding will be held before the undersigned administrative law judge on July 30, 1974, at 10 a.m. (local time), in the Hawaii Public Utility Commission Hearing Room, Kamamalu Building, 1010 Richards Street, Honolulu, Hawaii, at which the evidence of the local witnesses of the Hawaii civic parties will be received.

Notice is further given that upon conclusion of the Honolulu session, the hearing will resume on August 8, 1974, at 10 a.m. (local time) in Room 1031, Universal Building North, 1875 Connecticut Ave., NW., Washington, D.C., to receive the balance of the evidence of the Hawaii parties and the evidence of all other parties.

Dated at Washington, D.C., June 27, 1974.

[SEAL] ROBERT M. JOHNSON,
Administrative Law Judge.

[FR Doc.74-15248 Filed 7-2-74;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, July 10, 1974, to continue discussions on the fiscal year 1975 comparability adjustment for the statutory pay systems of the Federal Government.

The Director of the Office of Management and Budget and the Chairman of the U.S. Civil Service Commission, in carrying out their joint responsibility as President's agent under 5 U.S.C. 5305 and Executive Order 11721, have established the Federal Employees Pay Council as a forum for discussions with the representatives of Federal employee organizations of a wide variety of issues relating to the setting of pay for the Federal statutory pay systems. Public disclosure of the issues raised and positions taken in these labor-management discussions would inhibit the exchange of candid views, and would thereby severely limit the effectiveness of the Federal Employees Pay Council as a means by which Federal employees organizations can play a meaningful role in the Federal pay comparability process.

Therefore, in accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, the President's agent has determined that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.74-15232 Filed 7-2-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

AVITROL CORP.

Establishment of Temporary Tolerances

Avitrol Corp., P.O. Box 45141, Tulsa, OK 74145, submitted a petition (PP 3G1384) requesting establishment of temporary tolerances for residues of the bird repellent 4-aminopyridine in or on the raw agricultural commodities fresh corn including sweet corn (kernels plus

cob with husk removed) and popcorn grain at 0.1 part per million.

It has been determined that these temporary tolerances will protect the public health. They are therefore established on condition that the bird repellent be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Avitrol Corp. name.

These temporary tolerances expire June 27, 1975. Residues remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the temporary permit/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: June 27, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-15306 Filed 7-2-74;8:45 am]

[OPP-180014]

MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH

Issuance of Specific Exemption To Use DDT for Emergency Rabid Bat Control

The Environmental Protection Agency (EPA) has granted a specific exemption to the Massachusetts Department of Public Health to use DDT for emergency rabid bat control as provided in section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 995) and the regulations thereunder (40 CFR 166.1 *et seq.*).

Background. The rabies virus is endemic to Massachusetts populations of the big brown bat (*Eptesicus fuscus*) and the little brown bat (*Myotis lucifugus*). Both species of bats cohabit with humans in Massachusetts from April to mid-September. Some big brown bats will remain year round in areas of houses or other structures which offer protection and warmth. Bat bites reported in humans in Massachusetts vary between 30 to 50 per year. Bites by confirmed rabid bats, necessitating the long series of painful rabies post-exposure shots, vary between 4 to 6 per year. The frequency of bat bites in cats which are often in contact with bats (especially downed bats which may well be diseased) is difficult to estimate, but is probably as frequent as bat bites in humans. Most cats in Massachusetts are not immunized against rabies.

There is a real possibility that rabies may be transmitted from bats to humans. Even though this possibility is small, the fact that it exists creates a fear in the minds of people and can lead to widespread concern. Naphthalene is the only pesticide registered with the EPA for use against bats. However, Massachusetts officials who have had experience with this chemical have found it only partially effective. Furthermore, since it is only a repellent, it would not kill those populations suspected of having rabies, but only drive them from one location to another. The registration of DDT, the only toxicant ever registered for bat control, has been cancelled except for control of vector diseases by the U.S. Public Health Service, pursuant to the Order of the Administrator, filed June 14, 1972, and published in the FEDERAL REGISTER of July 7, 1972 (37 FR 13369). Control of nuisance bats cohabiting with humans would be insufficient reason, alone, to use DDT.

Conclusion. The EPA granted a specific exemption to the Massachusetts Department of Public Health to use DDT against bats if a danger to human health exists with the following provisions:

1. The bats are cohabiting with humans.
2. The above is confirmed by local health agents, the colony located, and the exist(s) determined. If local officials should need help, the Department of Public Health personnel will provide on-site consultations.
3. The DDT is placed in exits and/or in places where bats rest, if such are accessible or access can be provided.
4. The property owner or occupant agrees to make the necessary structural modifications to prevent reinfestations.
5. The property owner bears the cost of control.
6. All pest control operators exposed to bats have preexposure, duck-embryo rabies vaccine.
7. The actual control operation be under the supervision of State health officials or competent local health agents approved by State officials.
8. A final report be submitted to EPA Regional personnel.

Since DDT will only be applied in a judiciously supervised program to the attics of houses or to the exit holes of roofs where bats may be located, no irreversible adverse environmental effects are anticipated as a result of the proposed use of DDT in this control program.

Notice of this exemption is given pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 995), and the regulations thereunder (40 CFR 166.10).

Dated: June 28, 1974.

CHARLES L. ELKINS,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-15305 Filed 7-2-74;8:45 am]

NIPAK, INC.

Establishment of Temporary Exemption from the Requirement of a Tolerance

Nipak, Inc., 301 Harwood Street, Dallas TX 75201, submitted a petition (PP 3G1350) requesting establishment of a temporary exemption from the requirement of a tolerance for residues of the plant regulator biuret in or on sugar beets.

It has been determined that the temporary exemption from the requirement of a tolerance for residues of biuret in or on sugar beets will protect the public health. It is therefore established as requested on condition that biuret be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Nipak, Inc. name.

The temporary exemption from the requirement of a tolerance expires June 27, 1975. Residues remaining in or on the above raw agricultural commodity after expiration of this exemption will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the temporary permit/exemption.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: June 27, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-15307 Filed 7-2-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

JUNE 27, 1974.

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the CTAC Executive Committee, Steering Committee and Panel Chairmen to be held on July 25 & 26, 1974, at the Brown Palace Hotel, 321 17th Street, Denver, Colorado. The time of the meetings are as follows:

A. The meeting of the CTAC Panel Chairmen & Executive Committee will convene at 10 a.m., July 25, 1974.

The agenda is as follows:

(1) General discussion of Panel Chairman's responsibility and authority.

(2) Final Report content, areas of overlap.

(3) Alternate and dissenting views, coordination with other panels, meeting the FCC's needs.

(4) Assistance from the Office of Executive Secretary and the Executive Committee.

B. The meeting of the full CTAC Steering Committee with the Panel Chairmen will convene at 1 p.m., on July 25, 1974.

The agenda is as follows:

(1) Presentation by Panel Chairmen, a 20 minute talk to the Steering Committee to inform them of the proposed substance of their report, to give rise to informed discussion and full comments of the Steering Committee.

(2) Panel Chairmen to distribute a written outline of their panel report to all members of the Steering Committee.

C. The meeting of the CTAC Steering Committee will convene at 9 a.m., on July 26, 1974.

The agenda is as follows:

(1) Review of minutes of April 17, 1974, meeting in Washington.

(2) Report of Executive Committee Activity.

(3) Review of CTAC Activity Schedule for Balance of 1974.

(4) Financial Report.

(5) CTAC Fund—Solicitation.

(6) Continuation of Final Panel Report Discussion. General guidance to Panel Chairmen from the Steering Committee. Editorial Board. Summary of Summaries for Final CTAC Report.

(7) What's new at FCC Regarding Cable Television.

(8) Other Business.

(9) Schedule of Future Meetings.

Any member of the public may attend or may file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. Cort Wilson, FCC, 1919 M Street NW., Washington, D.C. 20554—(202) 632-9797.

Dated: June 25, 1974.

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

[FR Doc.74-15218 Filed 7-2-74;8:45 am]

[18108, FCC-74-660]

EMERGENCY BROADCAST SYSTEM

Closed Circuit Test

JUNE 27, 1974.

A test of the Emergency Broadcast System (EBS) has been scheduled for Wednesday, July 3, 1974, between 2:07 and 2:14:30 p.m., Washington, D.C. time. Only ABC, CBS, NBC, IMN, MBS, and NPR radio network affiliates and UPI-audio clients will participate. Television networks are not participating in this test.

Network affiliates will be notified of test procedures via their network beginning four days in advance of the test. Test messages will also be run by AP and UPI radio press wire services for four days in advance of the test to familiarize stations with texts and formats of messages.

This will be the first closed circuit test of the EBS since new rules became effective March 15, 1974.

This is a closed circuit test and will not be broadcast over the air.

Action by the Commission June 25, 1974. Commissioners Wiley (Chairman), Lee, Reid, Hooks and Quello.

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

[FR Doc.74-15220 Filed 7-2-74;8:45 am]

[Report 706]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JUNE 24, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21553-C2-R-74, South Central Bell Tel. Co. (KLF514). Renewal of Developmental Radio Station License for term: 7-12-74 through 7-12-75.

21554-C2-P-74, Jack H. Ford and Ellen A. Ford, d/b/a Professional Phone Answering (New). C.P. for a new 2-way station located at Third and Western Avenue, Muskegon, Michigan, to operate on 152.12 MHz.

21555-C2-P-74, Goshen Telephone Company, Inc. (New). C.P. for a new 2-way station located 500 ft. off County Road No. 32; 1½ miles West of Goshen, Alabama, to operate on 152.72 MHz.

21556-C2-MP-74, RAM Broadcasting of Washington, Inc. (KTR996). C.P. for additional facilities at Loc. No. 4: 1001 Fourth Avenue, Seattle, Washington, to operate on 454.050 MHz.

21557-C2-P-74, American Mobile Radio, Inc. (KMD344). C.P. to change emission for facilities located at 2339 Raymond Avenue, Lot 15, Signal Hill Tract, Long Beach, California, on 35.58 MHz (one-way-signaling).

21558-C2-P-74, The Ohio Bell Telephone Company (KQK313). C.P. to change antenna system and replace transmitter, also to change freq. to 158.10 MHz at Loc. No. 1: 215 W. Second St., Dayton, Ohio; Loc. No. 2: 21 Pleasant Ave., Fairborn, Ohio; Loc. No. 3: 7201 Lebanon Pk., Centerville, Ohio; Loc. No. 4: Olive Road, 5.3 Miles NW. of Dayton, Ohio; and Loc. No. 5: Peters Pike, 1.67 Miles SW. of Vandalia, Ohio.

21559-C2-P-74, Forward Electronics, Inc. (KRS672). C.P. to reinstate facilities located at Rib Mountain State Park, 5 Miles SW. of City of Wausau, Wisconsin, operating on 158.64 MHz.

21560-C2-P-74, South Central Bell Telephone Company (KIC343). C.P. to change antenna system located approximately 7.5 miles South of Nashville, Tennessee, operating on 454.375, 454.450, 454.475, 454.525, 454.600, 454.625 MHz.

21561-C2-P-74, Byron W. White, d/b/a Band Communications (New). C.P. for a new 2-way station located at Memorial Park and Evergreen Cemeteries in Jasper, Texas, to operate on 152.18 MHz.

21562-C2-P-74, Northwestern Telephone Company (KSJ814). C.P. to reinstate facilities located at 302 West Main Street, Freeport, Illinois, operating on 152.57 MHz.

21563-C2-P-74, Ultra Radio Communications, Inc. (New). C.P. for a new 2-way station to be located at 1200 Boyleston, Seattle, Washington, operating on 454.050 MHz.

21564-C2-P-74, Ultra Radio Communications, Inc. (New). C.P. for a new one-way station to be located at 1200 Boyleston, Seattle, Washington, operating on 35.22 MHz.

21565-C2-P-74, Mobilfone Service, Inc. (KKA402). C.P. to relocate facilities and replace transmitter operating 152.15 MHz, located at South Fort Smith, Arkansas.

21566-C2-P-74, Page A. Fone Corporation (KFL902). C.P. to relocate control facilities located at Tower on Endora Road, Breckenridge, Texas, operating on 454.250 MHz.

21567-C2-P-(4)-74, New York Tel. Co. (KEA 769). C.P. to delete freq. 152.75 MHz and to change antenna and replace transmitter operating on 152.51, 152.69, and 152.81 MHz located at Illinois Mountain, 1.5 Miles West of Highland, New York; relocate test facilities operating on 157.77, 157.95, and 158.07 MHz to be located at 83 Pershing Avenue, Poughkeepsie, New York.

21568–C2–P–(4)–74, New York Tel. Co. (KED 359). C.P. to change antenna system and replace transmitter operating on 152.57 and 152.63 MHz and for additional facilities to operate on 152.75 MHz located at St. Mary's Hill off Union Avenue, 4.5 Miles NW of Newburgh, New York; relocated test facilities operating on 157.83, 157.89, and 158.01 MHz to be located at 192 South Robinson Avenue, Newburgh, New York.

21569–C2–P–(5)–74, New York Tel. Co. (KED 361). C.P. to change antenna system and to replace transmitter operating on 152.66 MHz at Loc. No. 1: Mt. Orama, 1.75 Miles ESE of Harriman, Woodbury, New York; and Loc. No. 2: 158 West Central Avenue, Spring Valley, New York; and Loc. No. 3: 45 South Sixth Avenue, Mt. Vernon, New York; and Loc. No. 4: 1.2 Miles North of Pleasantville, New York; also to change auxiliary test station location to 455 Knollwood Road, Greenburgh, New York operating on 157.92 MHz; and to change antenna location for test facilities operating on 157.92 MHz.

21576–C2–P–74, Jackson County Broadcasting Service, Inc., d.b.a. Trav-Com Mobile Phones (New). C.P. for a new one-way signaling station to be operated on 43.58 MHz located at U.S. No. 431, 1.5 Mile SE of Albertville, Alabama.

21577–C–P2–74, Jackson County Broadcasting Service, Inc., d.b.a. Trav-Com Mobile Phones (New). C.P. for a new 2-way station to be operated on 454.275 MHz located at U.S. No. 431, 1.5 Mile SE of Albertville, Alabama.

21578–C2–P–74, LTS Communications, Inc. (New), C.P. for a new one-way-signaling station to be operated on 158.70 MHz located at Bald Mountain, Dillon, Colorado.

21579–C2–P–74, LTS Communications, Inc. (New). C.P. for a new 2-way station to be operated on 152.09 MHz located at Bald Mountain, Dillon, Colorado.

21580–C2–P–74, Charles Rotkin, d.b.a. Northeast Communications (New). C.P. for a new one-way-signaling station to be operated on 43.58 MHz located at Scott Hill Road, R.D. No. 3, Berlin, Vermont.

21581–C2–P–74, Charles Rotkin, d.b.a. Northeast Communications (New). C.P. for a new 2-way station to be operated on 152.03 MHz located at Scott Hill Road, R.D. No. 3, Berlin, Vermont.

21582–C–P2–(4)–74, Teletron Communication Electronics, Inc. (New). C.P. for a new two-way station to operate on base freq. 152.06 MHz and Repeater freq. 459.250 MHz at Loc. No. 1: 3 Miles SSW of Coos Bay, Oregon; and control facilities to operate on 454.125 MHz and 454.250 MHz at Loc. No. 2: 525 South Empire Blvd., Coos Bay, Oregon.

21583–C2–P–74, Teletron Communication Electronics, Inc. (New). C.P. for a new one-way station to operate on 158.70 MHz located 3 Miles SSW of Coos Bay, Oregon.

Major Amendment

7048–C2–P–73, South Central Bell Telephone Company (KIY604), Morristown, Tenn. Amend to change base station location to read: On Crockett Ridge, Bonneville Drive, 3 Miles NW. of Morristown, Tennessee. All other particulars are to remain as reported on Public Notice No. 642, dated April 2, 1973.

21067–C2–P–(3)–74, Southeast Mobilphone, Inc. (KCI308), Knoxville, Tennessee. Amend to delete frequency 454.200 MHz and add frequency 454.125 MHz. All other particulars remain as reported in Public Notice No. 692, dated March 18, 1974.

June 24, 1974

POINT-TO-POINT MICROWAVE RADIO SERVICE:

4506–C1–R–74, Pacific Northwest Bell Telephone Company (KPR65). In any temporary fixed location within the states of Oregon and Washington. Application for Renewal of License for Term: July 26, 1974 to July 26, 1975.

4504–C1–P–74 CPI Microwave, Inc. (WPE43), 2.2 Miles North of Cele, Texas. Lat. 30°28′-21″ N., Long. 97°31′15″ W. C.P. to replace transmitter, change power and change freq. 11,035H to 4010.0H MHz and change freq. 10,875H to 4090.0H MHz toward Austin, Tex., on azimuth 225°09′.

4501–C1–P–74, Southern Pacific Communications Company (KFF67), Southland Life Bldg., Dallas, Texas. Lat. 32°47′06″ N., Long. 96°47′41″ W.C.P. to change antenna system on freq. 11,685V MHz toward Miller Yd., Dallas, Tex., on azimuth 153°11′; add freq. 6152.8H MHz toward a new point of communication at Lewisville, Tex., on azimuth 348°59′.

4502–C1–P–74, Same (WPX61), 3 Miles East of Lewisville, Texas. Lat. 33°02′28″ N., Long. 96°51′14″ W. C.P. to change control point location and alarm center location on freq. 6345.5V MHz toward Mt. Springs, Tex., on azimuth 338°01′; freq. 6286.2V MHz toward Main Place, Dallas 1, Tex., on azimuth 170°27′; add freq. 6375.2H MHz toward a new point of communication at Dallas (Southland), Tex., on azimuth 168°58′.

[FR Doc.74–15219 Filed 7–2–74;8:45 am]

FEDERAL MARITIME COMMISSION

INTERNATIONAL TRADE SERVICE, ET AL.

Applicants for Licensing

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Jack L. Coppock d/b/a
International Trade Service
607 S. Hindry Avenue
Inglewood, California 90301

Joseph A. Lombardi
1520 York Avenue, Apt. 16–C
New York, New York 10028

Roy-Al Company
919 Third Avenue
New York, New York 10022

OFFICER

Rouhollah Kalimian, President
Rogers & Ross Custom Brokers Inc.
126 State Street
Boston, Massachusetts 02109

OFFICERS

John L. Ross, President
Glenn E. Rogers, Treasurer/Clerk
Aloysius J. Kelleher, Director

ABACO International Shippers
Division of International Representatives Corp.
2674 North Halsted
Chicago, Illinois 60614

OFFICERS

Marshall Berkenbilt, President/Secretary
Beverly Berkenbilt, Vice President/Treasurer
ECCA Freight System Inc.
One World Trade Center, Suite 1569
New York, New York 10048

OFFICERS

Vito A. Pipitone, President
Joan Pipitone, Secretary/Treasurer
Hecny Transportation (USA) Inc.
819 Mitten Road, Suite 37
Burlingame, California 94010

OFFICERS

Charlie C. K. Lee, President
Stanley S. K. Wang, Vice President
Benson Chan, Director
Tony L. Fong, Secretary

Jerrold C. Epstein d/b/a
Epstein Forwarding Co.
P.O. Box 10134 Lambert Field
St. Louis, Missouri 63145

By the Federal Maritime Commission.

Dated: June 28, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–15255 Filed 7–2–74;8:45 am]

[Docket No. 74–24; Agreement No. 7770 DR–4]

NORTH ATLANTIC FRENCH ATLANTIC FREIGHT CONFERENCE

Order of Investigation and Hearing

The members of the North Atlantic French Atlantic Freight Conference (NAFAFC), operating under Agreement No. 7770, as amended, have filed an application pursuant to section 14b of the Shipping Act, 1916, for permission to amend their dual rate contract which has has been assigned Federal Maritime Commission Number 7770 DR–4.

Article 11(b) of NAFAFC's dual rate contract contains as one of the elements of its force majeure provision "Currency Devaluation by any Government." Agreement No. 7770–DR–4 would change that clause to read "the depreciation of the currency stated in their tariff" and add a sentence at the end of the Article to read:

> For the purposes of this Article, a surcharge shall be deemed to be a "tariff rate" and a depreciation of the value of the currency in which tariff rates and charges are stated occasioned by changes in international monetary rates of exchange shall be deemed to be an event not under the control of the carriers in respect to which rates may be increased or a surcharge imposed on no less than 15 days' notice.

Docket No. 73–53,[1] now pending before the Commission, is a proposed rulemaking intended to modify General Order 19 (46 CFR 538) to provide for a more comprehensive currency devaluation provision in dual rate contracts. This rulemaking proceeding was designed to develop a uniform contract provision to accomplish the above rather than having

[1] *Rules Governing the Filing of Increases in Contract Rates on Less Than Statutory Notice in the Event of Tariff Currency Depreciation*, notice served August 15, 1973 (38 FR 22495).

each conference amend its dual rate contract on an ad hoc basis. However, the parties to Agreement No. 7770 DR–4 have requested that their proposed modification be acted upon by the Commission without waiting for the results of the proposed rulemaking.

In setting forth its proposed rules in Docket No. 73–53, the Commission indicated that currency adjustment clauses should be subject to certain restrictions and safeguards in order to protect contract signatories and to preserve the purpose of the dual rate contract. Agreement No. 7770–DR–4 apparently does not contain any such safeguards or limitations, and would appear to give the conference complete discretion in invoking its provisions to increase contract rates on short notice.

It is, therefore, necessary to institute an investigation and hearing to determine the extent to which the proposed modification will safeguard the rights of contract signatories, preserve the purpose of the dual rate contract, and to determine whether or not it is approvable pursuant to section 14b of the Shipping Act, 1916. In this regard, the Commission is particularly concerned with the resolution of the following questions:

1. Whether the language employed can be applied with no ambiguity or confusion.

2. Whether the proposed modification should be restricted to adjustments due to changes in the tariff currency vis-a-vis specified major operating currencies used in the trades.

3. Whether increases resulting from the proposed modification would be restricted to the amount necessary to restore the prior currency relationship between the contract signatories and the conference as a whole.

4. Whether a single currency exchange market needs to be specified in the proposed modification in order to enable parties to the merchant contract and the Commission to determine the changes which occur in currency values.

5. Whether the proposed modification would allow incraeses in response to normal currency market fluctuations.

6. Whether in the event of tariff currency appreciation the proposed modification will grant the contract signatories the same relief the conference would receive in the event of tariff currency depreciation.

7. The need for sahort term currency adjustment modification in the trade involved.

It is therefore, ordered, That pursuant to Rule 5(a) of the Commission's rules of practice and procedure (46 CFR 502.61) and section 14b and 22 (46 USC 813a and 821) of the Shipping Act of 1916, an investigation and hearing is hereby instituted to determine whether Agreement No. 7770 DR–4 is detrimental to the commerce of the United States, contrary to the public interest, or unjustly discriminatory or unfair as between shippers, exporters, or importers, or between exporters from the United States and their foreign competitors or otherwise violative of the Shipping Act, 1916, and therefore, whether it should be approved, disapproved or modified;

It is further ordered, That the North Atlantic French Atlantic Freight Conference and its member lines, named in the Appendix attached hereto, are hereby made respondents in this proceeding;

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge at a date and place to be hereafter determined and announced by the presiding Administrative Law Judge;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER, and that a copy thereof and notice of hearing be served upon the respondents;

It is further ordered, That any person other than respondents, having an interest and desiring to participate in this proceeding, shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure; and

It is further ordered, That all future notices, orders and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX

NORTH ATLANTIC FRENCH ATLANTIC FREIGHT CONFERENCE

Louis P. Kopley, Chairman
17 Battery Place
New York, New York 10004

American Export Lines, Inc.
17 Battery Place
New York, New York 10004

Atlantic Container Line Ltd.
80 Pine Street
New York, New York 10005

Dart Containerline Incorporated
Northeast Plaza Building, 9th Floor
Five World Trade Center
New York, New York 10048

Hapag-Lloyd Aktiengesellschaft
c/o United States Navigation Co., Inc.
17 Battery Place
New York, New York 10004

Sea-Land Service, Inc.
P.O. Box 900
Edison, New Jersey 08817

Seatrain International, S.A.
Port Seatrain
Weehawken, New Jersey 07087

United States Lines, Inc.
One Broadway
New York, New York 10004

[FR Doc.74–15257 Filed 7–2–74;8:45 am]

[Docket No. 74–23; Agreement No. 5200 DR–3]

PACIFIC COAST EUROPEAN CONFERENCE

Order of Investigation and Hearing

The members of the Pacific Coast European Conference (PCEC) operating under Agreement No. 5200, as amended have filed an application pursuant to section 14b of the Shipping Act, 1916, for permission to amend their dual rate contract which has been assigned Federal Maritime Commission Number 5200 DR–3.

Article 7(a) of PCEC's dual rate contract includes "currency devaluation by governmental action" as one of the force majeure events for which short notice rate increases are permitted. Agreement No. 5200 DR–3 would add a new paragraph at the end of that Article defining "currency devaluation by governmental action" as follows:

> The term "currency devaluation by governmental action" as used in this Article includes devaluation by whatever means, including revaluation, and whether informal, de facto or otherwise, that results in an actual devaluation of the Conference's tariff currency. The floating of currencies may result in their de facto revaluation or devaluation and shall therefore be dealt with in the same manner as formal changes in exchange rates of tariff currencies.

Docket No. 73–53,[1] now pending before the Commission, is a proposed rulemaking intended to modify General Order 19 (46 CFR 538) to provide for a more comprehensive currency devaluation provision in dual rate contracts. This rulemaking proceeding was designed to develop a uniform contract provision to accomplish the above rather than having each conference amend its dual rate contract on an *ad hoc* basis. However, the parties to Agreement No. 5200 DR–3 have requested that their proposed modification be acted upon by the Commission without waiting for the results of the proposed rulemaking.

In setting forth its proposed rules in Docket No. 73–53 the Commission indicated that currency adjustment clauses should be subject to certain restrictions and safeguards in order to protect contract signatories and to preserve the purpose of the dual rate contract. Agreement No. 5200 DR–3 apparently does not contain any such safeguards or limitations, and would appear to give the conference complete discretion in invoking its provisions to increase contract rates on short notice.

It is, therefore, necessary to institute an investigation and hearing to determine the extent to which the proposed modification will safeguard the rights of contract signatories, preserve the purpose of the dual rate contract, and to determine whether or not it is approvable pursuant to section 14b of the Shipping Act, 1916. In this regard, the Commission is particularly concerned with the resolution of the following questions:

1. Whether the language employed can be applied with no ambiguity or confusion.

2. Whether the proposed modification should be restricted to adjustments due

[1] *Rules Governing the Filing of Increases in Contract Rates on Less Than Statutory Notice in the Event of Tariff Currency Depreciation,* notice served August 15, 1973 (38 FR 22495).

to changes in the tariff currency vis-a-vis specified major operating currencies used in the trades.

3. Whether increases resulting from the proposed modifications would be restricted to the amount necessary to restore the prior currency relationship between the contract signatories and the conference as a whole.

4. Whether a single currency exchange market needs to be specified in the proposed modification in order to enable parties to the merchant contract and the Commission to determine the changes which occur in currency values.

5. Whether the proposed modification would allow increases in response to normal currency market fluctuations.

6. Whether in the event of tariff currency appreciation the proposed modification will grant the contract signatories the same relief the conference would receive in the event of tariff currency depreciation.

7. The need for a short term currency adjustment modification in the trade involved.

It is therefore ordered, That pursuant to Rule 5(a) of the Commission's Rules of Practice and Procedure (46 CFR 502.61) and sections 14b and 22 (46 USC 813a and 821) of the Shipping Act of 1916, an investigation and hearing is hereby instituted to determine whether Agreement No. 5200 DR–3 is detrimental to the commerce of the United States, contrary to the public interest, or unjustly discriminatory or unfair as between shippers, exporters, or importers, or between exporters from the United States and their foreign competitors or otherwise violative of the Shipping Act, 1916, and, therefore, whether it should be approved, disapproved or modified;

It is further ordered, That the Pacific Coast European Conference and its member lines, named in the Appendix attached hereto, are hereby made respondents in this proceeding;

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge at a date and place to be hereafter determined and announced by the presiding Administrative Law Judge;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER, and that a copy thereof and notice of hearing be served upon the respondents;

It is further ordered, That any person other than respondents, having an interest and desiring to participate in this proceeding, shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's Rules of Practice and Procedure; and

It is further ordered, That all future notices, orders and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX

PACIFIC COAST EUROPEAN CONFERENCE

G. E. Hay, Chairman
417 Montgomery Street
San Francisco, California 94104

Blue Star Line Limited
Dovar Shipping Agency, Inc.
21 West Street
New York, New York 10006

D'Amico Mediterranean Pacific Line
c/o Hansen & Tidemann, Inc.
16th Floor
Cotton Exchange Building
Houston, Texas 77052

East Asiatic Co., Ltd.
67 Broad Street
New York, New York 10007

French Line
c/o Atlantic Container Line
30 Church Street
New York, New York 10007

Hanseatic-Vaasa Line
c/o Williams, Dimond & Company
215 Market Street
San Francisco, California 94105

Hapag-Lloyd Aktiengesellschaft
c/o United States Navigation Co., Inc.
17 Battery Place
New York, New York 10004

Italian Line
One Whitehall Street
New York, New York 10004

Italpacific Line
c/o Transmarine Navigation Corp.
655 S. Flower Street
Los Angeles, California 90017

Johnson Line
110 E. 59th Street
New York, New York 10022

Lauritzen Peninsular Reefers, Ltd.
1 Hamerensgade
DK–1267 Copenhagen K. Denmark

Sea-Land Service, Inc.
P.O. Box 900
Edison, New Jersey 08817

Seatrain International S.A.
Port Seatrain
Weehawken, New Jersey 07087

United Yugoslav Lines
c/o Monitor Steamship Agencies, Inc.
2 Pine Street
San Francisco, California 94111

Zim Israel Navigation Co., Ltd.
c/o Mediterranean Agencies, Inc.
One World Trade Center, Suite 2969
New York, New York 10048

[FR Doc.74–15256 Filed 7–2–74;8:45 am]

[Docket No. 74–22]

SEA-LAND SERVICE, INC. AND SEATRAIN LINES, INC.

Wharfage Charges in the Puerto Rican Trade; Order of Investigation and Suspension

Effective June 30, 1974, Sea-Land Service, Inc. (Sea-Land) and Seatrain Lines, Inc. (Seatrain) propose to amend their tariffs in the U.S. Atlantic and Gulf/Puerto Rico trade to provide for the assessment of wharfage charges at a rate of sixty-cents per ton against all cargo loaded or discharged at North Atlantic ports.[1] Both carriers currently have identical wharfage charges in effect at South Atlantic and Gulf ports through which they handle Puerto Rican cargo. While the instant filings would achieve uniformity of wharfage charges at all ports in the trade, the considerations giving rise to the assessment of such charges appear to be different from port to port. In the port of New York, for example, both carriers lease their own facilities and pay no wharfage to the port. In Baltimore, on the other hand, Seatrain uses the Dundalk Marine Terminal and is assessed a wharfage charge by the port, while Sea-Land again leases its own facility and is not assessed that charge. Other arrangements exist at other ports but it appears that nowhere are the wharfage charges in the carriers' tariffs identical to the amounts (if any) assessed by the ports.

Although both carriers operate in foreign trades from the same North Atlantic ports at which the subject charges will be assessed, neither carrier has filed similar wharfage charges applicable to foreign trade cargo. This distinction raises certain issues that the Commission had previously set forth in Docket No. 72–25—*Discriminatory Assessment of Wharfage Charges at the Port of Baltimore by Sea-Land Service, Inc. and Seatrain Lines, Inc.*—a proceeding which was discontinued after the carriers cancelled the pertinent charges.

Upon the staff's request, the carriers furnished comments in support of the subject charges. While both carriers allege that revenues generated by the wharfage charges are necessary to offset operating losses in the Puerto Rican trade, neither has attempted to show an economic or cost justification for assessing wharfage at facilities owned or leased by the carriers.

Upon consideration of the matters set forth above, the Commission is of the opinion that the proposed wharfage charge and the wharfage charges now assessed by Sea-Land and Seatrain in the U.S. Atlantic and Gulf/Puerto Rico trade should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under sections 16 First and 18(a) of the Shipping Act, 1916. The Commission is of the further opinion that the proposed wharfage charges applicable to North Atlantic ports should be suspended for the full statutory period and investigated pursuant to sections 3 and 4 of the Intercoastal Shipping Act, 1933. Good cause appearing, therefore:

[1] Seatrain's charges will apply at Baltimore, Maryland and Weehawken, New Jersey. Sea-Land's charges will apply at Baltimore, Maryland, Philadelphia, Pennsylvania, and Elizabeth, New Jersey. Sea-Land will apply a similar "usage" charge at the port of Boston, Massachusetts.

It is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, and, where applicable, sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the proposed and existing wharfage charges of Sea-Land and Seatrain as set forth in Appendix A hereto for the purpose of making such findings and orders as the facts and circumstances warrant. In the event that the tariff matter hereby placed under investigation is further changed, amended, or reissued, such changes are hereby ordered to be made a part of this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the tariff matter listed in Appendix B hereto is hereby suspended and the use thereof deferred to and including October 29, 1974, unless otherwise ordered by the Commission;

It is further ordered, That there shall be filed immediately, by Sea-Land and Seatrain, consecutively numbered supplements to their respective tariffs listed in Appendix B hereto, which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid matter is suspended and may not be used until October 30, 1974, and that the suspended matter may not be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That, pursuant to section 16 First of the Shipping Act, 1916, a determination shall be made as to whether any of the charges set forth in Appendix A hereto constitute undue or unreasonable prejudice or disadvantage to Puerto Rican cargo and/or undue or unreasonable preference or advantage to cargo carried in other trades by the same carriers through the same ports;

It is further ordered, That copies of this Order shall be filed with the appropriate tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That Sea-Land Service, Inc. and Seatrain Lines, Inc. be named as respondents in this proceeding;

It is further ordered, That the provisions of Rule 12 of the Commission's Rules of Practice and Procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge;

It is further ordered, That (I) a copy of this Order be forthwith served upon the respondents and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (II) the respondents and Hearing Counsel be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(l) of the Commission's rules of practice and procedure (46 CFR § 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

SEA-LAND SERVICE, INC.

Tariff No. 158, FMC–F No. 21:
10th Revised Page 135, Item No. 705;
11th Revised Page 135, Item No. 705;
7th Revised Page 136, Item's No. 730, 735, 737, 740, 745;
5th Revised Page 137, Item No. 748.

SEATRAIN, INC.

Homeward Freight Tariff No. 3, FMC–F No. 3;
8th Revised Page 16–B, Item 178.
Outward Freight Tariff No. 1, FMC–F No. 1;
14th Revised Page 66–B, Item No. 205.

APPENDIX B

SEA-LAND SERVICE, INC.

Tariff No. 158, FMC–F No. 21;
7th Revised Page 136, Item's No. 730, 735, 737.

SEATRAIN LINES, INC.

Homeward Freight Tariff No. 3 FMC–F No. 3;
8th Revised Page 16–B, Item No. 178.
Outward Freight Tariff No. 1, FMC–F No. 1;
14th Revised Page 66–B, Item No. 205.

[FR Doc.74–15252 Filed 7–2–74;8:45 am]

CITY OF LONG BEACH AND EXXON CORP.

Notice of Agreement Filed; Correction

Notice of Agreement Filed by:
Mr. Leonard Putnam
City Attorney
City of Long Beach
Suite 600, City Hall
Long Beach, California 90802

In the notice of the filing of an agreement between the City of Long Beach and Exxon Corporation, published in the FEDERAL REGISTER on July 1, 1974 (Vol. 39, No. 127, pp. 24267–68), the agreement was incorrectly referred to as Agreement No. T–2955. The agreements number should have been shown as No. T–2969.

By order of the Federal Maritime Commission.

Dated: July 1, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–15403 Filed 7–2–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E–8851]

ALABAMA POWER CO.

Tariff Change

JUNE 27, 1974.

Take notice that Alabama Power Company on June 17, 1974, tendered for filing proposed changes in its FPC Electric Tariff, Original Volume No. 1. The proposed changes would increase Alabama's revenues from jurisdictional sales and service by $12,624,197 annually based on the 12-month period ending June 30, 1975, assuming that FPC Electric Tariff Original Volume No. 1 was applicable to all delivery points served by the company.

Alabama estimates that under existing rates, its return on rate base from jurisdictional sales in the year ending June 30, 1975, would be 1.29 percent from its sales to municipalities, and 1.30 percent from its sales to rural electric cooperatives. Alabama states that the average rate of return is below its embedded cost of debt and is inadequate to attract capital required by the company to pay for necessary expansions of its electric plant.

Copies of the filing were served upon Alabama's jurisdictional customers, the Alabama Public Service Commission, and the Southeastern Power Administration.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 12, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–15925 Filed 7–2–74;8:45 am]

[Docket No. RP72–110]

ALGONQUIN GAS TRANSMISSION CO.

Proposed Change in FPC Gas Tariff

JUNE 27, 1974.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas) on June 12, 1974, tendered for filing First Revised Sheet No. 30–F to its FPC Gas Tariff, Original Volume No. 1.

On April 19, 1974, Algonquin Gas filed First Revised Sheet No. 30–F for the purpose of modifying the use of Algonquin Gas' Unrecovered Purchased Gas Cost Account contained in the Purchased Gas Cost Adjustment Provision in order to accommodate the filing made by Texas Eastern Transmission Corporation (Texas Eastern) dated April 9, 1974, which proposed certain modifications to

Texas Eastern's tariff which would reinstate a Demand Charge Adjustment under conditions of a gas supply shortage and recover amounts equal to the Demand Charge Adjustments through the use of a Demand Charge Adjustment Commodity Surcharge in the effected rate schedule.

On May 10, 1974, the Commission issued an order rejecting the above-mentioned Texas Eastern filing without prejudice. Algonquin Gas' April 19, 1974, filing which was predicated upon such Texas Eastern filing, was likewise rejected.

The purpose of this new filing by Algonquin Gas is to modify the use of Algonquin Gas' Unrecovered Purchased Gas Cost Account contained in the Purchased Gas Cost Adjustment Provision of its tariff in order to accommodate a filing made by Texas Eastern dated May 22, 1974, which proposed certain modifications to Texas Eastern's tariff which would reinstate a Demand Charge Adjustment under conditions of a gas supply shortage and provide for the use of a deferred account to recover amounts equal to the Demand Charge Adjustments via a Demand Charge Adjustment Commodity Surcharge in the effected rate schedule.

It is proposed that the tendered revised tariff sheet be permitted to became effective as of May 1, 1974, to match the corresponding effective date requested by Texas Eastern or its tariff modification.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8, 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 July 8, 1974. 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.74-15285 Filed 7-2-74;8:45 am]

[Docket No. RP74-61]

ARKANSAS-LOUISIANA GAS CO.

Extension of Time and Postponement of Hearing

JUNE 26, 1974.

On June 18, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by a notice issued April 29, 1974, in the above-designated matter. The motion states that there is no opposition by the parties to the proposed dates.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Staff Service, July 10, 1974.
Intervener Service, July 26, 1974.
Company Rebuttal, August 12, 1974.
Hearing, August 27, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-15297 Filed 7-2-74;8:45 am]

[Docket No. E-8524]

BLACKSTONE VALLEY ELECTRIC CO.

Extension of Time and Postponement of Hearing

JUNE 26, 1974.

On June 7, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued March 25, 1974, in the above-designated matter. The motion states that all parties concur in the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of evidence by Staff, July 22, 1974.
Service of evidence by Interveners, August 5, 1974.
Service of rebuttal evidence by Blackstone Valley Electric Company, August 19, 1974.
Hearing, September 4, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-15290 Filed 7-2-74;8:45 am]

[Docket No. R-427]

CONNECTICUT LIGHT & POWER CO.

Further Extension of Time and Postponment of Hearing

JUNE 26, 1974.

Statement of Policy Implementing the Economic Stabilization Act of 1970 (P.L. 91-15, 84 Stat. 799, as amended by P.L. 92-15, 85 Stat. 38 and Executive Orders Nos. 11615 and 11627.

On June 20, 1974, the Cities filed a joint motion for a further extension of the procedural dates fixed by notice issued May 3, 1974, in the above-designated matter. The motion states that the parties are mutually agreeable to the requested extension of time.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of testimony and exhibits by Cities, July 5, 1974.
Service of rebuttal testimony and exhibits by Connecticut, July 30, 1974.
Hearing, August 13, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-15299 Filed 7-2-74;8:45 am]

[Docket No. RP72-157]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

JUNE 27, 1974.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on June 14, 1974, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA clause for rates to be effective July 1, 1974. Consolidated states that the proposed rate increase would generate $31.7 million annually in additional jurisdictional revenues.

Consolidated states that the PGA filing was triggered by rate increases filed by Tennessee Gas Pipeline Company and Transcontinental Gas Pipe Line Corporation both to be effective July 1, 1974, and Texas Eastern Transmission Corporation to be effective June 14, 1974 and July 1, 1974.

Consolidated is requesting a waiver of the 45-day notice requirement contained in its PGA clause. Consolidated states that it is requesting this waiver since it did not receive the supplier's revised rates in sufficient time to make a timely filing and further asks for a waiver of any other of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on July 1, 1974.

Consolidated states that copies of the filing were served upon its jurisdiction customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1974. 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. Persons presently parties to this proceeding need not file additional petitions to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-15281 Filed 7-2-74;8:45 am]

[Docket No. E-8858]

CONSUMERS POWER CO.

Changes in Rate Schedule

JUNE 27, 1974.

Consumers Power Company (Consumers) on June 17, 1974, tendered for filing three sets of changes applicable to its Electric Coordination Agreement date May 1, 1973 between Consumers and The Detroit Edison Company (Edison), designated as Consumers' Rate Schedule FPC No. 33: (i) consists of copies of Revisions to Exhibits A & B to the rate schedule including changes in fixed charge factors as of February 1, 1974; (ii) an amendment as of May 1, 1974, which consists of a change in the factor used to divide the rate for Short-Term Capacity from four to six in the determination of the capacity charge for daily exchanges; and (iii) revisions as of May

1, 1974, to Exhibits A and C which result in a change in the Determination of Capacity Charges. Consumers requests waiver of notice requirements contained in § 35.3 of the Commission's regulations.

(No statements of service of copies of the filing, pursuant to § 1.17(b) of the Commission's rules of practice and procedure and § 35.13(a) of its regulations under the Federal Power Act, and no proposed notice for publication in the Federal Register, pursuant to § 35.8(a) of the regulations (Order No. 487, issued July 17, 1973) were included in the filing).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1974. 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 avaliable for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-15294 Filed 7-2-74;8:45 am]

[Bad Creek Project 2740]

DUKE POWER CO.

Application for License

JUNE 27, 1974.

Public notice is hereby given that application for major license was filed February 4, 1974, under the Federal Power Act (16 U.S.C. §§ 791a–825r) by Duke Power Company (Correspondence to: Mr. George W. Ferguson, Jr., Associate General Counsel, Duke Power Company, P.O. Box 2178, Charlotte, North Carolina 28242; copy to: Mr. George A. Avery, of Wald, Harkrader, & Ross, 1320 19th Street, N.W., Washington, D.C. 20036) for unconstructed Bad Creek Project No. 2740, located on Bad and West Bad Creeks, tributaries to Howard Creek, a tributary to Whitewater River, a tributary to the Savannah River, in Oconee County, South Carolina, in the vicinity of the Cities of Salem, Walhalla, and Seneca, South Carolina. The project would affect navigable waters of the United States.

The applicant proposes construction of a 1,000 megawatt pure pumped storage project consisting of: An upper reservoir with a water surface area of 318 acres and storage capacity of about 33,300 acre-feet would be usable storage between elevation 2,310 feet and 2,150 feet m.s.l. (the upper reservoir would be created by a rockfill dam with impervious core approximately 2,600 feet long and 355 feet high across Bad Creek, a similar type dam approximately 900 feet long and 170 feet high across West Bad Creek, and a saddle dike approximately 900 feet long and 94 feet high); a lower reservoir (existing Lake Jocassee (Keowee-Toxaway Project No. 2503) would be utilized as the project's lower reservoir); a concrete-lined main shaft and power tunnel, 4,630 feet long and 29 feet in diameter; 4 steel-lined power tunnels, 300 feet long and 14.5 feet in diameter; 4 concrete-lined draft tube tunnels, 400 feet long and 14.5 feet in diameter; 4 draft tube surge chambers 230 feet high and 40 feet in diameter; an underground powerhouse which would contain four generator-motor units rated at 250,000 kilowatts each when operated as generators and about 345,000 horsepower each when operated as motors; two 1,250 foot long unlined horseshoe type access tunnels; a main access tunnel 29 feet wide and 25 feet high and a surge chamber access tunnel 18 feet wide and 25 feet high; a submerged ungated reinforced concrete water intake structure in the upper reservoir; a concrete-lined tailrace tunnel, 1,340 feet long and 29 feet in diameter; a reinforced concrete water outlet structure with five 15 foot wide and 25 foot high hoist operated gates on Lake Jocassee; an underground electrical switchgear and bus tunnel leading to a transformer vault containing four single phase 525/13.8-kV step-up transformers; a vertical electrical bus elevator and ventilation shaft about 800 feet high and 28 feet in diameter; a switching station; a 525-kV transmission line which would extend approximately 9 miles in a general southerly direction to a juncture with Applicant's existing Jocassee-Oconee transmission line and would thereafter utilize approximately 9 miles of the existing Keowee-Toxaway Project transmission line right-of-way to Applicant's Oconee Nuclear Plant. No recreation facilities are planned in the project area; however, Applicant plans to construction a 31 mile hiking trail with picnic shelters in the general vicinity of the project.

The power developed at the project would be used for public utility purposes within Applicant's service area in North Carolina and South Carolina.

Any person desiring to be heard or to make protest with reference to said application should on or before August 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-15300 Filed 7-2-74;8:45 am]

[Docket No. E-8854]

DUKE POWER CO.

Filing of Supplement to Rate Schedule

JUNE 27, 1974.

Take notice that on June 17, 1974, Duke Power Company (Duke) tendered for filing a supplement to its Electric Power Contract with Laurens Electric Cooperative, Inc., said contract being designated Duke Power Company Rate Schedule FPC No. 144.

According to Duke, this filing provides for an increase in designated demand at fourteen delivery points. Duke states that requisite agreement to the filing has in fact been obtained and that the effective date of this contract supplement is July 19, 1974. Duke further states that no new facilities have been installed to provide this new service and that a copy of this filing has been sent to the Manager of Laurens Electric Cooperative, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-15291 Filed 7-2-74;8:45 am]

[Docket No. RP72-134]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

JUNE 27, 1974.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on June 18, 1974, tendered for filing Ninth Revised Sheet No. 3A and Ninth Revised PGA–1 to its FPC Gas Tariff, Original Volume No. 1 to become effective July 1, 1974. The proposed changes would decrease by approximately $48,000 the revenues from jurisdictional sales and services provided for in its Seventh Revised Sheet No. 3A and Seventh Revised PGA–1 accepted for filing effective as of July 1, 1974, by Commission letter order issued May 30, 1974.

Pursuant to the Purchased Gas Adjustment Clause contained in its tariff, Eastern Shore proposes to modify the rates and charges contained in its jurisdictional rate schedules to reflect the equivalent changes proposed by its supplier, Transcontinental Gas Pipe Line Corporation, in its filing dated May 30, 1974, in Docket No. RP72–99 and its filing dated May 31, 1974 in Docket No.

RP74–48. Eastern Shore requests waiver of the notice requirements of § 154.22 of the regulations under the Natural Gas Act and section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary to permit the proposed tariff sheets to become effective as of July 1, 1974, coincident with the proposed effective date of Transcontinental's rate changes.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1974. 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.74–15289 Filed 7–2–74;8:45 am]

[Docket Nos. RP72–155, RP73–104]

EL PASO NATURAL GAS CO.

Substitute Tariff Sheet Tender

JUNE 27, 1974.

Take notice that on June 19, 1974, El Paso Natural Gas Company (El Paso) tendered for filing Substitute Original Sheet Nos. 1–D and 1–F to its FPC Gas Tariff, Original Volume No. 2A.

El Paso states that on February 14, 1974, it tendered to the Commission for filing and acceptance, inter alia, a proposed Purchased Gas Cost Adjustment Provision-Clean High Pressure Gas (PGAC-Clean High Pressure Gas) as a part of its FPC Gas Tariff, Original Volume No. 2A.[1] As a part of such filing, El Paso also included Original Sheet No. 1–D to its Original Volume No. 2A tariff, which sheet provided a "Statement of Rates" applicable to certain rate schedules contained in said tariff volume.[2] Also included as a part of that tender, El Paso gave notice of a change in rates, based upon the proposed PGAC-Clean High Pressure Gas filed concurrently therewith, applicable to those rate schedules subject to said PGAC-Clean High Pressure Gas. By order issued March 29, 1974, at Docket Nos. RP72–155 and RP73–104 the Commission, among other matters, accepted El Paso's PGAC-Clean High Pressure Gas for filing effective as of March 17, 1974; however, said order rejected El Paso's proposed notice of change. Such order required El Paso to file a substitute Original Sheet No. 1–D to its FPC Gas Tariff, Original Volume No. 2A which would properly reflect the current base cost of purchased gas within thirty (30) days of issuance thereof.

El Paso states further that on April 29, 1974, it filed a motion for clarification of said Commission order issued March 29, 1974, at Docket Nos. RP72–155 and RP73–104, for corollary acceptance of substitute tariff sheets and, in the alternative, an application for rehearing of the Commission's order issued March 29, 1974. By order issued on May 20, 1974, at Docket Nos. RP72–155 and RP73–104 the Commission rejected El Paso's tariff sheets tendered for filing on April 29, 1974, and denied El Paso's application for rehearing of the Commission's March 27, 1974, order. Ordering paragraph (A) of such order directs El Paso to file a substitute tariff sheet properly restating the base cost of purchased gas in conformity with said orders of March 29, 1974, and May 20, 1974.

El Paso states that the tendered Substitute Original Sheet No. 1–D has been revised in compliance with ordering paragraph (B) of the Commission order issued on March 29, 1974, as amended by ordering paragraph (A) of the Commission order issued May 20, 1974. Further El Paso states that as a result of the Commission's directive respecting the base cost of purchased gas, a corresponding change is also required in Section 6 of the PGAC-Clean High Pressure Gas to provide the correct reference to the gas cost component. Tendered Substitute Original Sheet No. 1–F has been revised so as to also reflect as a gas cost component 26.8785¢, as determined by the Commission as being the correct base cost of purchased gas.

El Paso has requested, pursuant to § 154.51 of the Commission's Regulations, that waiver be granted of the notice requirements of § 154.22 of said Regulations and that the Commission accept the tendered tariff sheets for filing and permit them to become effective March 17, 1974, coincident with the effective date of the PGAC-Clean High Pressure Gas.

Any persons desiring to be heard or to make any protest with reference to said tariff tender should, on or before July 10, 1974, 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 15.10). 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–15279 Filed 7–2–74;8:45 am]

[1] The PGAC-Clean High Pressure Gas was comprised of Original Sheet Nos. 1–E through 1–I to El Paso's FPC Gas Tariff, Original Volume No. 2A.

[2] Rate Schedules FS–3, FS–6, FS–7, FS–10, FS–12, FS–31 and FS–32 to El Paso's Original Volume No. 2A tariff.

[Docket Nos. RP74–19, RP69–2, RP70–25, RP71–27, RP71–28, RP72–144]

FLORIDA GAS TRANSMISSION CO.

Extension of Time and Postponement of Hearing

JUNE 26, 1974.

On January 14, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued January 14, 1974, in the above-designated matter. On January 28, 1974, a notice was issued deferring the procedural dates pending action on the motion.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Intervener's Evidence, July 2, 1974.
Prehearing Conference, July 16, 1974 (10 a.m. e.d.t.).
Rebuttal Evidence, July 30, 1974.
Hearing, August 13, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–15298 Filed 7–2–74;8:45 am]

[Docket No. E–8717]

LONG ISLAND LIGHTING CO.

Fuel Adjustment Clause Revisions

JUNE 27, 1974.

Take notice that on June 10, 1974, the Long Island Lighting Company filed five revisions to the fuel adjustment clause (section 4.04 (a)) of its contract with the Village of Freeport, New York (FPC Rate Schedule No. 15, dated November 1, 1972). The June 10, 1974 filing includes: a change in the definition of average fuel cost; an increase in the base cost of fuel; a revised definition of economy energy for the purpose of determining average cost of fuel; a decrease in the annual factor of adjustment resulting in a reduction of charges to the Village of Freeport; and oil conservation energy is made a factor in determination of average fuel cost. Waiver of the notice requirements of § 35.3 of the Commission's regulations is requested so that each of the proposed revisions would become effected retroactively as of the effective date authorized by the New York Public Service Commission.

Any person desiring to be heard or to make any protest with reference to this submittal should on or before July 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Any person wishing to become a party to a proceeding or to

participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's Rules. 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 any proceeding. The documents referred to in this notice are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-15284 Filed 7-2-74;8:45 am]

[Docket No. E-8494]

MINNESOTA POWER AND LIGHT CO.

Further Extension of Time and Postponment of Hearing

JUNE 26, 1974.

On June 19, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by notice issued May 21, 1974 in the above-designated matter. The motion states that there is no opposition to the motion by the parties.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of Staff's Testimony, July 29, 1974.
Service of Intervener's Testimony, August 12, 1974.
Service of Company's Rebuttal, August 26, 1974.
Hearing, September 30, 1974 (10 a.m. e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-15288 Filed 7-2-74;8:45 am]

[Docket No. RP71-125]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Extension of Time and Postponment of Hearing

JUNE 26, 1974.

On June 19, 1974, Natural Gas Pipeline Company of America filed a motion for an extension of the procedural dates fixed by order issued May 31, 1974 in the above-designated matter. The motion states that Staff Counsel has no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Natural's Testimony and Exhibits, July 12, 1974.
Staff's Testimony and Exhibits, August 9, 1974.
Intervener Evidence, August 16, 1974.
Rebuttal Evidence, August 23, 1974.
Hearing (Unchanged), August 27, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-15296 Filed 7-2-74;8:45 am]

[Docket No. RP73-8]

NORTH PENN GAS CO.

Proposed Change in Rates

JUNE 27, 1974.

Take notice that North Penn Gas Company (North Penn) tendered for filing, on June 17, 1974, First Substitute Eleventh Revised Sheet No. PGA-1 to its FPC Gas Tariff, Original Volume No. 1. The proposed tariff sheet reflects an increase in rates of 4.197¢ per Mcf.

North Penn states that the proposed increase is occasioned by rate changes of its suppliers. These suppliers are Consolidated Gas Supply Corporation, Tennessee Gas Pipeline Company, and Transcontinental Gas Pipe Line Corporation. North Penn states that its proposed tariff sheet does not reflect research and development costs associated with one of Tennessee Gas Pipeline Company's (Tennessee) alternative rate filings, but that should the Commission accept the alternative including research and development costs, North Penn would accumulate the difference in its deferred account.

North Penn requests an effective date of July 1, 1974, for its proposed rate increase. North Penn further states that it has served a copy of this filing on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-15292 Filed 7-2-74;8:45 am]

[Docket No. E-8856]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Notice of Tariff Change

JUNE 27, 1974.

Take notice that Public Service Company of New Hampshire (PSNH), on June 17, 1974, tendered for filing proposed Supplement No. 3 to Rate Schedule FPC No. 40 and Supplement No. 2 thereto, under which PSNH sells unit power from Merrimack Station Unit No. 2 to Vermont Electric Power Company, Inc. (VELCO) under a long-term contract. The Supplement would increase the investment expense component of the rate by raising the rate of return (stated on an annual basis) from 6.5 percent to 7.5 percent effective September 1, 1970, and from 7.5 percent to 7.94 percent effective January 1, 1973. The first of the changes would increase the annual revenues to PSNH under the contract by $165,308 based on the 12 months period ending August 31, 1971, and the second change would increase such annual revenues by $44,676 based on the 12 months period ending December 31, 1973.

PSNH states that the purpose of the Supplement is to adjust the rate of return factor (and the related tax factor), as contemplated by the contract, to reflect increases in the cost of money to PSNH.

PSNH requests waiver of § 35.11 of the Commission's regulations to permit the proposed changes in the Rate Schedule to become effective as of the dates specified. According to PSNH, copies of the filing were served upon VELCO.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-15293 Filed 7-2-74;8:45 am]

[Docket No. E-8753]

SOUTHWESTERN PUBLIC SERVICE CO.

Order Accepting Rate Increase and Initiating an Investigation

JUNE 28, 1974.

On April 25, 1974, Southwestern Public Service Company (Southwestern) submitted agreements for service[1] with Cochran Power and Light Company (Cochran) and Community Public Service Company (Community). Southwestern states that the revised rates under the proposed agreements will result in an increase in revenues to the Company of approximately $275,759 (43.12 percent), based on estimated sales for the 12 months directly following the proposed effective date of July 1, 1974.

Under both the present and the proposed agreements Southwestern supplies all of the power requirements of the customers. The term of the proposed agreements is 5 years, and will remain in effect thereafter, unless terminated upon one year's written notice.

The April 25, 1974, filing was noticed on May 10, 1974, with May 20, 1974, as the due date or responses. No comments, protests, or petitions to intervene have been received.

Our review of the instant filing indicates that the proposed rate increase is just and reasonable and in the public interest. Accordingly, we shall accept the proposed rate increase, without suspension, to become effective on July 1, 1974.

However, we note that the following

[1] See Attachment A for designations and descriptions.

language is contained in Article IX of the proposed rate schedule:

Customer shall not in any manner connect Company's lines through connections to its lines with any other supplies of electric energy.

Our review of this provision indicates that it may be anti-competitive and therefore unjust and unreasonable. Accordingly, we shall institute an investigation under Section 206 of the Federal Power Act of Article IX of the proposed agreement to determine the reasonableness of the above cited language.

The Commission finds:

(1) Good cause exists to accept Southwestern's proposed rate increase, effective July 1, 1974.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that an investigation be instituted under Section 206 thereof concerning the lawfulness of the language contained in Article IX of Southwestern's proposed contract.

The Commission orders:

(A) Southwestern's proposed rate increase is hereby accepted effective July 1, 1974.

(B) Pursuant to the authority of the Federal Power Act, particularly section 206 thereof, and the Commission's Rules and Regulations, and the Regulations under the Federal Power Act, a public hearing shall be held on December 3, 1974, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the lawfulness of the language in Article IX of Southwestern's proposed contract.

(C) Southwestern shall serve its prepared testimony and exhibits on or before October 1, 1974. The Commission Staff shall serve its prepared testimony and exhibits on or before October 29, 1974. Any rebuttal evidence by Southwestern shall be served on or before November 19, 1974.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission rules of practice and procedure.

(E) The Secretary shall cause prompt publication of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Southwestern Public Service Company.
Filed: April 25, 1974.
Effective: July 1, 1974.

Designation	Description	Other Party
Rate Schedule FPC No. 74 (Supersedes FPC Nos. 15 and 34 as supplemented).	Agreement	Cochran Power and Light Co.
Supplement No. 1 to Rate Schedule FPC No. 74	Exhibit A	
Supplement No. 2 to Rate Schedule FPC No. 74	Exhibit B	
Rate Schedule FPC No. 75 (Supersedes FPC No. 17 as Supplemented).	Agreement	Community Public Service Co.
Supplement No. 1 to Rate Schedule FPC No. 75	Exhibit A	
Supplement No. 2 to Rate Schedule FPC No. 75	Exhibit B	

[FR Doc.74-15302 Filed 7-2-74;8:45 am]

[Docket No. E-8839]

UNION ELECTRIC CO.

Filing of Electric Service Agreement

JUNE 27, 1974.

Take notice that on June 10, 1974, Union Electric Company (Union) tendered for filing an Electric Service Agreement For Wholesale Electric Service dated May 24, 1974, between Arkansas-Missouri Power Company (Ark-Mo) and Union. Union states that the Agreement supersedes a similar agreement between the parties dated March 11, 1964, filed by Union and designated by the Commission as a "Service Agreement under FPC Electric Rate W-2". Union further states that the Agreement does not affect the Firm Power Agreement dated February 2, 1968 which was designated as a supplement to the above-mentioned March 11, 1964 agreement. According to Union, the Agreement, by its own terms, became effective as of the date of execution, and Union requests that this filing be permitted to become effective as of May 24, 1974.

Union states that pursuant to the Agreement, it agrees to provide service to Ark-Mo for supply of its Ironton District. Union states that a new delivery point will be provided, and the contract term has been revised in order to justify Union's expenditures for new facilities.

Union states that copies of the Agreement have been sent to Ark-Mo, Blytheville, Arkansas and to the Missouri Public Service Commission, Jefferson City, Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 3, 1974. 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.74-15301 Filed 7-2-74;8:45 am]

[Docket Nos. RP73-69 and RP74-48]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Proposed Changes in Tariff Sheets

JUNE 27, 1974.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on June 21, 1974, tendered for filing revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 as follows:

Sheet designation	*Effective date*
Substitute Eighth Revised Sheet No. 5	June 14, 1974
Substitute Fifth Revised Sheet No. 6	June 14, 1974
Substitute Tenth Revised Sheet No. 5	July 1, 1974
Substitute Seventh Revised Sheet No. 6	July 1, 1974

Transco proposes to increase its Demand Charge and reduce its Delivery from Storage and Return to Seller Charges under its Rate Schedule S-2 (Oakford Storage Service) effective June 14, 1974 to track the rate changes to Transco from Texas Eastern Transmission Corporation (Texas Eastern) under the latter's Rate Schedule X-28. Transco also proposes to reflect the changes in Rate Schedule S-2 in a separate tariff filing pending before the Commission which is to become effective July 1, 1974 in Docket No. RP74-48.

Transco states that on June 14, 1974, Texas Eastern commenced collecting increased revenues, subject to refund, under substitute rates filed in its Docket No. RP74-41. Such substitute rates were filed by Texas Eastern by letter dated June 6, 1974, in lieu of those suspended by Commission Order issued January 14, 1974. Transco further states that its rate change is in accordance with the tracking procedures prescribed in Article VII of the amended settlement agreement approved by Commission Order issued April 5, 1974 in Docket No. RP73-69.

Copies of the filing have been mailed to each of Transco's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 12, 1974. 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.74-15282 Filed 7-2-74;8:45 am]

FEDERAL RESERVE SYSTEM

EQUIMARK CORP.

Proposed Acquisiton of Funding Systems Corp.

Equimark Corporation, Pittsburgh, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to retain and to acquire voting shares of Funding Systems Corporation, Pittsburgh, Pennsylvania, formerly of New York, New York. Equimark Corporation presently holds 54 percent of the voting shares of Fundings Systems Corporation. It now seeks to retain those shares beyond December 31, 1980 and to acquire all of the remaining outstanding voting shares of Funding Systems Corporation. Notice of the application was published on March 16, 1974 in *The Atlanta Constitution*, a newspaper circulated in Atlanta, Georgia, *The Greenville News*, a newspaper circulated in Greenville, South Carolina, the *Boston Globe*, a newspaper circulated in Boston, Massachusetts, *The New York Times*, a newspaper circulated in New York, New York, *The Detroit News*, a newspaper circulated in Detroit, Michigan, the *Post-Gazette and Sun-Telegraph*, a newspaper circulated in Pittsburgh, Pennsylvania, *The Columbus Dispatch*, a newspaper circulated in Columbus, Ohio, the *San Francisco Chronicle*, a newspaper circulated in San Francisco, California, the *Seattle Post-Intelligencer*, a newspaper circulated in Seattle, Washington, *The Dallas Morning News*, a newspaper circulated in Dallas, Texas, and *The Houston Post*, a newspaper circulated in Houston, Texas. Notice was also published on April 11, 1974 in the *Chicago Tribune*, a newspaper circulated in Chicago, Illinois.

Applicant states that the proposed subsidiary would engage in the activities of the leasing, on a full pay-out basis, of personal property, principally accounting, data processing, and general office equipment, through Funding Systems Leasing Corporation, a wholly-owned subsidiary of Funding Systems Corporation. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 26, 1974.

Board of Governors of the Federal Reserve System, June 27, 1974.

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

[FR Doc.74-15190 Filed 7-2-74;8:45 am]

UNITED MISSOURI BANCSHARES, INC.

Resumption of Hearing

In the matter of the application of United Missouri Bancshares, Inc., Kansas City, Missouri, for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Westport Bank, Kansas City, Missouri.

On March 15, 1974, the Board ordered that a public hearing be held on the application, such hearing to be conducted in accordance with the Board's rules of practice for formal hearings (39 FR 10190). The hearing commenced April 3, 1974, at the Federal Reserve Bank of Kansas City, at which time the Administrative Law Judge granted Applicant's motion for continuance in order that Applicant might prepare and submit to the Board amendments to subject application. The amendments having been received by the Board (39 FR 18509), notice is hereby given that the hearing shall resume at 9:30 a.m., July 23, 1974, at the Federal Reserve Bank of Kansas City, 925 Grand Avenue, Federal Reserve Station, Kansas City, Missouri 64198 before the Honorable John G. Llebert, Administrative Law Judge. Any person desiring to give testimony, present evidence, or otherwise participate in these proceedings should file with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, on or before July 18, 1974, a written request containing a statement of the nature of the Petitioner's interest in the proceedings, the extent of the participation desired, a summary of the matters concerning which the Petitioner desires to give testimony or submit evidence, and the names and identity of witnesses who propose to appear. Requests will be submitted to the Administrative Law Judge for his determination and persons submitting them will be notified of his decisions.

Board of Governors of the Federal Reserve System, July 1, 1974.

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

[FR Doc.74-15438 Filed 7-2-74;11:41 am]

TENNESSEE VALLEY BANCORP, INC.

Proposed Acquisition

Tennessee Valley Bancorp, Inc., Nashville, Tennessee, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Tennessee Valley Life Insurance Company, Phoenix, Arizona. Notice of the application was published on May 11, 1974, in The Nashville Banner, a newspaper circulated in Nashville, Tennessee, and on May 21, 1974, in the Arizona Weekly Gazette, Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage in the activity of underwriting credit life insurance which is directly related to extensions of credit by its bank holding company system. Such activity has been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 23, 1974.

Board of Governors of the Federal Reserve System, June 25, 1974.

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

[FR Doc.74-15226 Filed 7-2-74;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Order 99]

ZONE NO. 1, NEW YORK, NEW YORK

Approval for Contiguous Expansion and Extension of Operational Period

Pursuant to its authority under the Foreign-Trade Zones Act of June 18,

1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trade Zones Board regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) adopts the following order:

Whereas, the City of New York, grantee of Foreign-Trade Zone No. 1, has, through its Economic Development Administration, applied to the Foreign-Trade Zones Board for authority to contiguously expand the area of the zone, located at Building 77, Brooklyn Navy Yard, New York City, and to extend the operational period for the site to September 26, 1978;

Whereas, the application was accepted for filing on April 30, 1974, amended May 3, 1974, and notice inviting public comments was given in the FEDERAL REGISTER on May 8, 1974 (39 FR 16413);

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval;

Whereas, the additional space is needed to accommodate the expansion of existing zone activity and new zone users; and

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied and that approval of the application is in the public interest;

Now, therefore, the Board hereby orders:

That the grantee is authorized to contiguously expand the zone area in conformity with the application filed on April 30, 1974, as amended May 3, 1974, and the authorized period for operation of the zone is extended to September 26, 1978. The authority given in this order is subject to local approval of the District Director of Customs prior to the commencement of operations in the expanded area. The grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operation within the expanded zone.

Signed at Washington, D.C. this 27 day of June 1974.

[SEAL] FREDERICK B. DENT,
Secretary of Commerce, Chairman and Executive Officer Foreign-Trade Zones Board.

Attest:
JOHN J. DAPONTE, JR.
Executive Secretary, Foreign-Trade Zones Board.

[FR Doc.74–15229 Filed 7–2–74;8:45 am]

GENERAL SERVICES ADMINISTRATION

PROCUREMENT REGULATIONS DEVELOPMENT

Opportunity for Comment

The Office of Management and Budget (OMB), in memoranda to Heads of Executive Departments and Agencies, dated December 7, 1972, and March 14, 1973, established and outlined plans for coordination of executive branch efforts in response to the Commission on Government Procurement (COGP) Report. Interagency task groups made up of assigned lead and participating agencies were formed to examine and recommend executive branch positions on each of the 149 COGP recommendations. Direction of executive branch efforts on COGP matters is a function which was delegated to the General Services Administration (GSA) by Executive Order 11717 on May 9, 1973.

COGP Recommendation number 11 in Part A of the COGP Report calls for the following:

> Establish criteria and procedures for an effective method of soliciting the viewpoints of interested parties in the development of procurement regulations.

In its deliberations which led to this recommendation, the COGP concluded that giving contractors and other interested parties an opportunity to comment on proposed procurement regulations during their development is essential to ensure consideration of all available alternatives and information, promote better understanding and relationships, and enhance the acceptability of regulations when adopted. While existing statutes authorize the Administrator of General Services, the Secretary of Defense, and other agency heads to issue procurement regulations, the COGP found that there is nothing that requires them to obtain the views of contractors or other interested parties. To carry out its recommendation, the COGP favored the requirement that the Office of Federal Procurement Policy (OFPP) establish the necessary criteria for participation of interested parties in the development of procurement regulations. (Establishment of an OFPP is another COGP recommendation, numbered A–1, which has progressed toward implementation by the introduction of two legislative proposals: H.R. 15233 (formerly H.R. 9059) and S. 2510 (passed by the Senate on March 1, 1974). Enactment of these legislative proposals has not taken place as of this writing). A task group, led by the Department of Defense, conducted an extensive study about what should be done in response to the COGP recommendation.

The task group examined the support that was evident in recent years for eliminating the exemption for matters relating to contracts from the rulemaking requirements of the Administrative Procedure Act (APA). The rationale for the exemption is that contracts involve the proprietary interests of the Government itself, as contrasted with general public regulatory matters affecting solely the interests of private parties. The task group strongly supported the COGP in the latter's determination not to repeal this exemption and cited a U.S. Supreme Court decision in the case of Perkins v. Luken Steel Co. when the Court stated:

> Like private individuals and businesses, the Government enjoys the unrestricted power to produce its own supplies, to determine those with whom it will deal, and fix the terms and conditions upon which it will make needed purchases. Acting through its agents as it must of necessity, the Government may, for the purpose of keeping its own house in order, lay down guideposts by which its agents are to proceed in the procurement of supplies and which create duties to the Government alone. (310 U.S. 11, 127 (1940).)

While recognizing that making procurement regulations subject to APA provisions would involve the proprietary interests of the Government and significantly burden the procurement process, as stated in the COGP Report, the task group is in complete accord with the COGP that criteria should be established for an effective method of soliciting the viewpoints of interested parties in the issuance of such [procurement] regulations.

Consequently, the task group proposes that the COGP recommendation should be adopted as the position of the executive branch of the Government and that implementation should be the responsibility of the proposed Office of Federal Procurement Policy (OFPP). Pending enactment of the above-mentioned legislative proposals to create an OFPP, the task group proposes the following actions as an interim measure:

1. Continue present procedures used by the Armed Services Procurement Regulation (ASPR) and Federal Procurement Regulations (FPR) process and other agencies for soliciting comments from interested parties in the development of procurement regulations.

2. Assign further implementation as a continuing function to the ASPR Committee Chairman and the Director of the FPR staff who shall test and evaluate the use of publications in various media; e.g., the FEDERAL REGISTER, *Commerce Business Daily*, or trade journals, for

(a) proposed procurement regulations which are expected to have a significant impact on offerors or contractors, and

(b) selected procurement problems for which regulatory coverage is under consideration by the Department of Defense or the General Services Administration.

3. Upon completion of the aforementioned tests, criteria and procedures shall be developed and published.

Purpose of notice. This notice is published for the purpose of public information and to offer an opportunity for public comment on the above task group proposal on COGP Recommendation A–11. Interested persons should submit their comments to the General Services Administration (AMC), Washington, D.C. 20405. To be given consideration, written comments must be received not later than August 20, 1974.

Publication of this notice does not imply acceptance by the executive branch of the proposed executive branch position. Responses received from interested parties regarding this notice of opportunity for comment will be given careful consideration in the formulation of a final executive branch position.

Dated at Washington, D.C., on June 21, 1974.

R. E. ZECHMAN,
Acting Associate Administrator for Federal Management Policy.

[FR Doc.74–15227 Filed 7–2–74;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 June 28, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency from number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census: Survey of Local Government Finasces (School Systems), Form F-33-L3, Single time, Ellett, Giv't. agencies.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education: Stanford Protect on Academic Governance Questionnaire, Form NIE 57, Single time, Planchon, 600 College & Univ., Presidents & 300 bargaining agents.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Policy Development and Research: Housing Allowance Administrative Agency Experiment-Special Elderly Study Survey, Form ____, Single time, Sunderhauf, Elderly applicants in 8 allowance sites.

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Help Communities Help Themselves 1973-74 Team Review: Form ____, Single time, HRD/Reese, Community leaders.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of the Census: Report of Company Organization, Form NC-X1A, Annual, Weiner, Multiestablishments in all economic areas.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of the Census:
Survey of Local Government Finances (School Systems)—State Superintendent Letter, Form F-33-L3, Single time, Ellett, Government agencies.
Survey on Pollution Abatement Expenditures—1973, Form MA 200, Annual, Weiner, Manufacturing establishments.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-15391 Filed 7-2-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5508, 34-10887, IC-8405, IA-422]

BANK SPONSORED INVESTMENT SERVICES

Extension of Comment Period

On April 30, 1974, in Release No. 33-5491, published in the FEDERAL REGISTER for May 23, 1974, at 39 FR 18163, the Securities and Exchange Commission announced that it was conducting an inquiry concerning bank-sponsored investment services and requested the comments of all interested members of the public, the securities and banking industries, the securities industry's self-regulatory bodies and federal and state bank regulatory authorities and other interested governmental authorities on certain policy and legal questions associated with the variety of securities investment services currently being offered to the public by banks.

The time for submitting comments expires on June 29, 1974. The Commission, however, has received a number of requests that additional time be granted within which to submit comments. In light of these requests, the Commission has determined to extend the comment period to August 12, 1974. Comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Reference should be made to file number S7-522. All communications will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 27, 1974.

[FR Doc.74-15241 Filed 7-2-74;8:45 am]

[File No. 500-1]

BBI, INC.

Suspension of Trading

JUNE 27, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being trade otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from June 28, 1974 through July 7, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-15242 Filed 7-2-74;8:45 am]

[812-3641]

CHANNING BOND FUND, INC., ET AL.

Notice of Application for an Order to Permit an Offer of Exchange and for Certain Exemptions

JUNE 28, 1974.

In the Matter of Channing Bond Fund, Inc., Channing Income Fund, Inc., Channing Securities, Inc., Channing Shares, Inc., Channing Venture Fund, Inc. and Channing Company, Inc., 2727 Allen Parkway, Houston, Texas 77019.

Notice is hereby given that Channing Bond Fund, Inc., Channing Income Fund, Inc., Channing Shares, Inc., Channing Securities, Inc. and Channing Venture Fund, Inc. (collectively referred to as "Funds") each of which is registered as an open-end investment company under the Investment Company Act of 1940 ("Act") and Channing Company, Inc. ("CCI") (collectively referred to with the Funds as "Applicants") have filed an application for an order (1) pursuant to section 11(a) of the Act to permit the Funds to offer to exchange their shares for shares of American General Reserve Fund, Inc. ("AGR Fund") on a basis other than their relative net asset value per share at the time of the exchange and (2) pursuant to section 6(c) of the Act granting exemption from section 22(d) of the Act and Rule 22d-1 thereunder, in connection with such exchanges. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

CCI, as principal underwriter for each of the Funds, maintains a continuous public offering of the shares of each of the Funds at their respective net asset value plus a sales charge. The maximum sales charge is 8.5 percent on purchases of less than $15,000. The sales charge is reduced on larger purchases. Shares of each of the Funds may be exchanged for shares of any of the other Funds on the basis of their relative net asset value per share at the time of the exchange without sales charge for a fee of $5 payable to CCI.

AGR Fund is an open-end investment company registered under the Act. It has filed a registration statement under the Securities Act of 1933 with respect to a proposed public offering of shares of its stock. The registration statement is not yet effective. CCI is the prospective investment adviser and principal underwriter for AGR Fund. AGR Fund proposes to offer its shares to the public at an offering price equal to net asset value plus a sales charge of 1 percent of the offering price.

Each of the Funds proposes to offer its shares to shareholders of AGR Fund in

exchange for shares of AGR Fund on the following bases: (1) shares of AGR Fund which were acquired through a share exchange or acquired as a result of the reinvestment of dividends or distributions will be exchanged for shares of any of the Funds on the basis of their relative net asset value per share at the time of the exchange; (2) shares of AGR Fund acquired other than through a share exchange or reinvestment of dividends or distributions will be exchanged for shares of any of the Funds on the basis of their relative net asset value per share at the time of the exchange, plus the sales charge described in the prospectus of each of the Funds (maximum 8½ percent), less an amount equal to the sales charge previously paid on the AGR Fund shares being exchanged. As a result, a shareholder acquiring shares of one of the Funds through an exchange of shares of AGR Fund would pay approximately the same overall sales charge that he would have paid had he directly purchased the same number of shares of one of the Funds.

As shareholders of the Funds will have the right to exchange their shares for shares of AGR Fund without payment of any sales charges, a shareholder acquiring the shares of a Fund by way of an exchange of shares of AGR Fund would be able to exchange the shares acquired for shares of AGR Fund at net asset value; any such shareholder would have a paid a normal sales charge on the shares of the Fund which he had previously exchanged for shares of AGR Fund. No further sales charges would be assessed on any future exchange of the shares so acquired.

In the event a shareholder desires to exchange only a portion of his shares of AGR Fund, those shares that may be exchanged at relative net asset value without sales charge will be exchanged first. The remaining shares to be exchanged will be selected from those shares which are entitled to be exchanged upon payment of the lowest additional sales charge.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such company to make or cause to be made an offer to the shareholder of a security of such a company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus. The sales charge described in the prospectus of each of the Funds is greater than the sales charge which would be applicable to the proposed exchange offer.

Applicants state that the purpose of the proposed exchange offer is to permit a shareholder of AGR Fund who changes his investment objective to change his investment to a different investment company without paying the full sales charge otherwise applicable. Applicants assert that the exchange offer to shareholders of AGR Fund cannot be made at the relative net asset values of the Fund to be acquired because the shareholder of AGR Fund would have paid substantially less sales charges on his investment than similarly situated investors in the Fund to be acquired. Applicants contend that if shares of the Funds could be acquired by a shareholder of AGR Fund at net asset value in an exchange, it is possible that the exchange would be in violation of section 22(d) of the Act since an investor would be able to purchase shares of one of the Funds at a sales charge other than that described in its prospectus merely by purchasing shares of AGR Fund and subsequently exchanging those shares at net asset value for shares of one of the Funds.

Section 6(c) provides, in part, that the Commission by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision or provisions of the Act and the Rules promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 23, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his request, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74–15235 Filed 7–2–74;8:45 am]

[Release Nos. 34–10867 and 40–8393]

NASD ANTI-RECIPROCAL RULE AND INVESTMENT CO.

Notice of Public Proceeding

The Securities and Exchange Commission has been requested by the National Association of Securities Dealers, Inc. ("NASD"), and representatives of the investment company and securities industries to review suggested interpretations and amendments of the NASD Anti-Reciprocal Rule,[1] adopted at the suggestion of the Commission.[2] The Commission has determined to hold public hearings commencing on September 10, 1974, in connection with reviewing those suggested interpretations and amendments in order to obtain the views of all interested parties. In the course of such hearings other suggestions may also be made.

Anti-reciprocal rule. The Anti-Reciprocal Rule applies to NASD members substantially as follows:

(1) A broker-dealer may not, directly or indirectly, favor or disfavor the distribution of shares of any investment company or group of investment companies on the basis of brokerage commissions (including underwriting discounts) received or expected by such broker-dealer from any source (including such investment company or specified related sources).

(2) A broker-dealer may not, directly or indirectly, demand, require, or solicit an offer or promise of an amount or percentage of brokerage commissions from any source in connection with, or as a condition to, the sale of shares of an investment company.

(3) A principal underwriter of an investment company may not, directly or indirectly, offer or promise to a broker-dealer, or request or arrange for the direction to any broker-dealer of, an amount or percentage of brokerage commissions from any source as an inducement or reward for the sale of shares of an investment company.

(4) A broker-dealer may not circulate any information regarding the amount

[1] Article III, section 26(k), of the NASD Rules of Fair Practice.

[2] Letter to Gordon Macklin, President, NASD, February 10, 1972. See also Statement of the Securities and Exchange Commission on the Future Structure of the Securities Markets (Securities Exchange Act Release No. 9484, February 2, 1972, 37 F.R. 5286); Institutional Investor Study Report, House Document No. 92–64 (1971); Public Policy Implications of Investment Company Growth, H.R. Rep. No. 2337, 89th Cong., 2d Sess. (1966); Report of Special Study of Securities Markets, House Document No. 95, Pt. 4, 88th Cong., 1st Sess. (1963); and The Study of Mutual Funds, Prepared by the Wharton School of Finance and Commerce, H.R. Rep. No. 2274, 87th Cong., 2nd Sess. (1962).

or level of brokerage commissions received by it from any investment company or specified related sources to other than management personnel who are required, in the overall management of its business, to have access to such information.

(5) Nothing prohibits the execution of portfolio transactions of any investment company or specified related sources by broker-dealers who also sell shares of the investment company; provided, however, that broker-dealers shall seek orders for execution on the basis of the value and quality of their brokerage services and not on the basis of their sale of investment company shares.

The NASD Board of Governors has interpreted paragraph (5) of the Anti-Reciprocal Rule to mean that: (1) sales of investment company shares shall not be a qualifying or disqualifying factor in the selection of a broker-dealer to execute portfolio transactions; instead that choice must be made strictly on the basis of broker-dealer's professional capability; (2) a violation of the Anti-Reciprocal Rule could not be proven merely by demonstrating that a broker-dealer has sold shares of an investment company for which it has executed transactions; and (3) any investment company is justified in placing orders for portfolio transactions—and any broker-dealer in executing them—on the basis of the value and quality of the brokerage services rendered.

Suggested interpretations and amendments. It has been suggested that the Anti-Reciprocal Rule be interpreted:

(1) not to prohibit an investment company from considering sales of its shares as a factor in the selection of a broker-dealer to execute its portfolio transactions so long as sales of shares are not a qualifying or disqualifying factor in the selection; and

(2) not to prohibit the principal underwriter of an investment company from requesting the investment company, subject to the requirement of best price and execution, to place some brokerage transactions with broker-dealers which sell shares of the investment company as long as a specific amount of percentage is not requested.

It has also been suggested that the current published interpretation of the Anti-Reciprocal Rule be amended by adding a paragraph stating that it does not prevent an investment company from following a policy, stated in its prospectus, of selecting broker-dealers to execute portfolio transactions on the basis of sales of its shares when more than one broker-dealer is qualified to provide best execution, provided that no offer or promise of or arrangement for an amount or percentage of brokerage commissions prohibited by subsection (3) of the Anti-Reciprocal Rule is made and that sales of shares of the investment company are not a factor in determining whether a broker-dealer is qualified to provide best execution.

The suggestions are based upon a number of factors, including the following which have been expressed: (1) a need for greater certainty and more precise guidelines respecting application of the Anti-Reciprocal Rule, which it is argued would result from adoption of the suggestion; (2) a perception that existing shareholders benefit from increased sales which increase the cash inflow to an investment company; (3) a belief that the Anti-Reciprocal Rule is responsible for diverting portfolio business from regional firms to a few major brokerage houses which specialize in execution; and (4) a feeling that the application of the Anti-Reciprocal Rule to purchases by investment companies in underwritten public offerings is unfair since, where the price is fixed by the issuer and the underwriter, all members of the selling group are equally qualified to fill an order.

In view of these factors, as well as the anticipated advent of fully negotiated exchange commission rates, the Commission requests comments on the extent to which the requested interpretations and amendment would be desirable in light of the Commission's historical concern that there appeared to be: (1) a relationship between the comparatively high portfolio turnover rates of investment companies and the allocation of brokerage on the basis of sales of shares of investment companies; (2) little, if any, benefit to existing shareholders from allocations of brokerage, particularly in comparison to the benefit derived by the principal underwriter-investment adviser to an investment company; (3) pressure on investment companies to select broker-dealers which do not have adequate capabilities to provide best execution; (4) danger that broker-dealers might recommend shares of particular investment companies to customers on the basis of allocations of brokerage; and (5) anti-competitive impacts on smaller investment companies and broker-dealers arising out of allocations of brokerage.

Procedures. The implications of the Anti-Reciprocal Rule and any interpretation or amendment are of great significance to investment companies, their investment advisers and principal underwriters, to the broker-dealers and salesmen who distribute shares of investment companies and to the investing public. Accordingly, all interested persons are invited to provide written submissions of their views to the Commission which, if the persons submitting them wish to appear and make oral statements, shall so state. Oral statements will be invited from among those who have made submissions and requested to be heard.

Interested persons are requested to supply 20 copies of their submissions to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, no later than August 23, 1974. All such material should be designated "NASD Anti-Reciprocal Rule and Investment Company Brokerage Practices," File No. 4–172. All such submissions will be available for public inspection in the Commission's Public Reference Room, Room 6101, 1100 L Street, NW., Washington, D.C.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

JUNE 20, 1974.

[FR Doc.74–15240 Filed 7–2–74;8:45 am]

[File No. 24SF–3977]

NEVADA ELECTRONICS AND VIDEO CORP.

Order Temporarily Suspending Exemption

JUNE 25, 1974.

Nevada Electronics and Video Corporation ("NEVCO") (315 Wall Street, Las Vegas, Nevada 89105) filed a Notification on Form 1–A and Offering Circular with the San Francisco Branch Office on December 11, 1972. This filing related to a proposed offering of 100,000 shares of common stock at $1.00 per share for an aggregate offering price of $100,000. The purpose of this filing was to obtain an exemption from the registration requirements of the Securities Act of 1933 pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

The Commission, on the basis of information reported to it by its staff, has reason to believe that:

A. The Notification and Offering Circular of NEVCO omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, primarily with respect to, among other things:

1. the offering circular failed to accurately describe the manner of sale and distribution;

2. the failure to disclose all sales of unregistered securities within the preceding year;

3. the offering circular of NEVCO did not disclose material loans made by Gilbert Wynn Barnes to NEVCO;

4. the offering circular contained false information with respect to NEVCO's financial position; and

5. the notification and offering circular did not disclose Gilbert Wynn Barnes as a promoter for NEVCO.

B. The terms and conditions of Regulation A have not been complied with in that:

1. Item 3 of the notification fails to name Gilbert Wynn Barnes as a promoter of NEVCO;

2. Item 9 of the notification fails to describe offers and sales of NEVCO shares; and

3. the offering circular fails to state material facts about the sales of NEVCO securities, the manner of the proposed Regulation A offering and the liabilities of NEVCO.

C. The offering, if made, would be in violation of Section 17 of the Securities Act of 1933.

It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of Nevada Electronics and Video Corporation under Regulation A be, and it hereby is, temporarily suspended,

It is further ordered, Pursuant to Rule 7 of the Commission's Rules of Practice, that the issuer file an answer to the allegations contained in this order within thirty days of the entry thereof.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing and that notice of the time and place for any hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-15234 Filed 7-2-74;8:45 am]

[File No. 500-1]

NICOA CORP.

Suspension of Trading

JUNE 27, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nicoa Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 28, 1974 through July 7, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-15243 Filed 7-2-74;8:45 am]

[File No. 81-141]

TEXACO OPERATIONS (EUROPE) LTD.

Notice of Application and Opportunity for Hearing

JUNE 25, 1974.

Notice is hereby given that Texaco Operations (Europe) Ltd. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the 1934 Act") that Applicant be granted an exemption from the provisions of section 13 of the 1934 Act.

Section 12(b) of the 1934 Act provides that an issuer may register securities on a national exchange by filing a registration statement with both the exchange and the Securities and Exchange Commission (the "Commission") which registration statement contains information as to the issuer and any person directly or indirectly controlling or controlled by the issuer as the Commission may require for the protection of investors or in the public interest.

Section 13 of the 1934 Act requires that issuers of securities registered pursuant to section 12 must file certain periodic reports with the Commission for the protection of investors and to insure fair dealing in the security.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole, or in part, any issuer or class of issuers from the registration or periodic reporting provisions under sections 12 and 13, if the Commission finds, by reason of the number of public investors, amout of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part:

1. Applicant is a Delaware corporation and wholly-owned corisolidated subsidiary of Texaco, Inc. ("Texaco") formed on March 22, 1967 for the principal purpose of selling crude oil and petroleum products primarily to European subsidiaries and affiliates of Texaco.

2. In July, 1968, Applicant issued and sold $75 million, principal amount, of 4½ percent convertible Debentures due 1988 (the "Debentures").

3. The debentures are unconditionally guaranteed as to payment of principal, premium, if any, and interest by Texaco, and since April 15, 1969 have been convertible into common shares of Texaco at $44.25 a share.

4. Applicant states that the debentures were intended for sale to non-United States investors and were issued under conditions reasonably designed to prevent their distribution to United States nationals with certain limited exceptions.

5. The debentures are listed on the New York Stock Exchange and are registered pursuant to section 12(b) of the 1934 Act.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to section 13 of the 1934 Act because the debentures are registered with both the New York Stock Exchange and the Securities and Exchange Commission.

Applicant argues that the exemption order requested by it is appropriate in view of the fact that since 1969 there has been only a minimal amount of trading activity in the debentures on the New York Stock Exchange and that development of a significant trading activity is unlikely; that since the debentures are guaranteed by and convertible into common shares of Texaco, it is the reports of Texaco filed pursuant to section 13 of the 1934 Act and not those of Applicant in which reasonable investors would be primarily interested; and that the requirement for reports filed pursuant to section 13 of the 1934 Act would subject Applicant to the not insubstantial burden of compliance.

For a more detailed statement of the information presented, all persons are referred to the application and amendments which are on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person not later than July 22, 1974 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-15236 Filed 7-2-74;8:45 am]

[File No. 500-1]

TEXON ENERGY CORP.

Suspension of Trading

JUNE 26, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Texon Energy Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 1:00 P.M. (e.d.t.) on June 26, 1974 through midnight (e.d.t.) on July 5, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-15237 Filed 7-2-74;8:45 am]

TARIFF COMMISSION

[332-70]

BRUSSELS TARIFF NOMENCLATURE

Hearings on Certain Preliminary Drafts for U.S. Conversion

The U.S. Tariff Commission hereby gives notice that preliminary drafts of the following chapters of the Tariff Schedules of the United States (TSUS) converted to the format of the Brussels Tariff Nomenclature (BTN):

Chapter 27: Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes.
Chapter 36: Explosives; pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations.
Chapter 37: Photographic and cinematographic goods.
Chapter 76: Aluminum and articles thereof.
Chapter 81: Other base metals employed in metallurgy and articles thereof.
Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal; parts thereof.
Chapter 83: Miscellaneous articles of base metal.
Chapter 88: Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway track fixtures and fittings; traffic signalling equipment of all kinds (not electrically powered).
Chapter 89: Ships, boats and floating structures.
Chapter 98: Optical, photographic cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus; parts thereof.
Chapter 91: Clocks and watches and parts thereof.
Chapter 93: Arms and ammunition; parts thereof.
Chapter 96: Brooms, brushes, feather dusters, powder-puffs and sieves.

are being released today and that public hearings thereon will begin at 10 a.m., e.d.t., on July 29, 1974, in the Hearing Room, U.S. Tariff Commission Building, 8th and E Streets. NW., Washington, D.C. The purpose of this hearing is to obtain the comments and views of interested parties on the preliminary draft conversion.

Requests to appear at the hearings on these chapters must be filed in writing with the Secretary of the Commission not later than July 22, 1974. Parties who have properly entered an appearance by this date will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after July 22, 1974. Any person who fails to receive such notification by July 25, 1974, should immediately communicate with the Office of the Secretary of the Commission.

In its public notice issued March 8, 1974, regarding hearings on other chapters of the draft converted schedules (39 FR 9719 of March 13, 1974) interested parties were notified regarding the rules governing the conduct of the hearings, and the submission of written statements. The Commission's notice of March 8, 1974, applies to the hearings on the chapters being released today to the extent that it is applicable.

As each of the chapters is completed and released, copies thereof are made available for public inspection at the Offices of the Commission in Washington, D.C., and New York, New York; at all field offices of the Dept. of Commerce; and at the offices of Regional and District Directors of Customs. The locations of these offices are listed in the notice of March 8, 1974.

Issued: June 28, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.74-15222 Filed 7-2-74;8:45 am]

[337-30]

CERTAIN WRITING INSTRUMENTS AND NIBS

Notice of Finding

Upon completion of its investigation (337-30) under section 337 of the Tariff Act of 1930, as amended, in response to a complaint of Venus Esterbrook Corp., of New York, N.Y., the Commission does not find unfair methods of competition and unfair acts in the importation into the United States of certain writing instruments and nibs therefor or in their sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry.

Under the statute (19 U.S.C. 1337(c)) a rehearing before the Commission may be requested. In accordance with §§ 201.14 and 203.10 of the Commission's rules of practice and procedure (19 CFR 201.14 and 203.10), a motion for a rehearing may be granted for good cause shown. Any such motion for a rehearing must be in writing and filed with the Secretary of the U.S. Tariff Commission, Washington, D.C. 20436, on or before July 23, 1974. The motion must state clearly the grounds which are relied upon for the granting of rehearing and must be accompanied by 19 true copies.

Issued June 28, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.74-15221 Filed 7-2-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 543]

ASSIGNMENT OF HEARINGS

JUNE 28, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after July 3, 1974.

I&S M-27277, Classification of Plastic Syringes, Nationwide, is continued to July 16, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.
I&S No. 8950, Transit, Time Limit For Reshipment, Grain and Grain Products, now being assigned September 17, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC-F-12113, Nationwide Carriers, Inc.—Purchase—Mabel Lynn Michael (Nevin H. Fiery, Executor), now assigned July 8, 1974, at Washington, D.C., is postponed indefinitely.

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

[FR Doc.74-15269 Filed 7-2-74;8:45 am]

[Notice No. 544]

ASSIGNMENT OF HEARINGS

JUNE 28, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after July 3, 1974.

Correction, MC 135425 Sub-7, Cycles Limited, now being assigned October 9, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C., instead of Cycles Limites.

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

[FR Doc.74-15270 Filed 7-2-74;8:45 am]

COMMON CARRIERS BY PIPELINE

Tentative Valuations

Notice is hereby given that tentative valuations are under consideration for the common carriers by pipeline listed below.

1973 REPORTS

Valuation Docket No.:

1364 Acorn Pipe Line Co., P.O. Box 5008, Houston, TX 77012.
1414 Allegheny Pipeline Co., P.O. Box 2521, Houston, TX 77001.
1302 Amoco Pipeline Co., P.O. Box 6110-A, Chicago, IL 60680.
1378 Arapahoe Pipe Line Co., 200 East Golf Road, Palatine, IL 60067.
1329 ARCO Pipe Line Co., ARCO Building, Independence, KS 67301.
1291 Ashland Pipe Line Company, 1409 Winchester Ave., Ashland, KY 44101.

Valuation Docket No.:

1381 Badger Pipe Line Co., P.O. Box 300, Tulsa, OK 74102.
1425 Black Lake Pipeline Co., P.O. Box 308, Independence, KS 67301.
1322 Buckeye Pipe Line Co., P.O. Box 368, Emmaus, PA 18049.
1382 Butte Pipe Line Co., P.O. Box 2648, Houston, TX 77001.
1404 Calnev Pipe Line Co., 1901 Slover Avenue, Bloomington, CA 92316.
1368 Cheyenne Pipeline Co., P.O. Box 370, Cody, WY 82414.
1371 Cherokee Pipe Line Co., P.O. Drawer 1267, Ponca City, OK 74601.
1416 Chevron Pipe Line Co., P.O. Box 599, Denver, CO 80201.
1427 Chicap Pipe Line Co., 200 East Golf Road, Palatine, IL 60067.
1312 Cities Service Pipe Line Co., P.O. Box 300, Tulsa, OK 74102.
1422 Colonial Pipeline Co., P.O. Box 18855, Atlanta, GA 30326.
1316 Continental Pipe Line Co., P.O. Drawer 1267, Ponca City, OK 74601.
1426 Cook Inlet Pipe Line Co., P.O. Box 900, Dallas, TX 75221.
1341 CRA, Inc., 3315 North Oak Trafficway, Kansas City, MO 64116.
1352 Crown Central Pipe Line & Transportation Corp., P.O. Box 1759, Houston, TX 77001.
1365 Crown-Rancho Pipe Line Corp., P.O. Box 1759, Houston, TX 77001.
1349 Diamond Shamrock Corp., P.O. Box 631, Amarillo, TX 79105.
1411 Dixie Pipeline Co., P.O. Box 2220, Houston, TX 77001.
1385 Emerald Pipe Line Corp., P.O. Box 631, Amarillo, TX 79105.
1338 Eureka Pipe Line Co., 963 Market St., Parkersburg, W. Va. 26101.
1394 Exxon Pipeline Co., P.O. Box 2220, Houston, TX 77001.
1389 Four Corners Pipe Line Co., P.O. Box 2648, Houston, TX 77001.
1333 Gulf Refining Co., P.O. Drawer 2100, Houston, TX 77001.
1409 Hess Pipeline Co., P.O. Box 502, Woodbridge, N.J. 07095.
1431 Hydrocarbon Transportation, Inc., 2223 Dodge Street, Omaha, NE 68102.
1406 Jayhawk Pipeline Corp., P.O. Box 1030, Wichita, KS 67201.
1413 Jet Lines, Inc., 522 Cottage Grove Road, Bloomfield, CT 06002.
1375 Kaneb Pipe Line Co., P.O. Box 22029, Houston, TX 77027.
1299 KAW Pipe Line Co., P.O. Box 52332, Houston, TX 77052.
1429 Kerr-McGee Corp., Kerr-McGee Building, Oklahoma City, OK 73102.
1419 Lake Charles Pipe Line Co., P.O. Drawer 1267, Ponca City, OK 74601.
1354 Lakehead Pipe Line Co., Inc., 3025 Tower Ave., Superior, WI 54880.
1403 Laurel Pipe Line Co., P.O. Drawer 2100, Houston, TX 77001.
1395 MAPCO, Inc., 1437 South Boulder Ave., Tulsa, OK 74119.
1392 Marathon Pipe Line Co., 539 S. Main St., Findlay, OH 45840.
1357 Michigan-Ohio Pipeline Corp., 600 W. Pickard St., Mt. Pleasant, MI 48858.
1353 Mid-Valley Pipeline Co., P.O. Box 2039, Tulsa, OK 74102.
1384 Minnesota Pipe Line Co., P.O. Box 2256, Wichita, KS 67201.
1311 Mobil Pipe Line Co., P.O. Box 900, Dallas, TX 75221.
1292 Ohio River Pipe Line Co., 1409 Winchester Ave., Ashland, KY 41101.

Valuation Docket No.:

1380 Okan Pipeline Co., P.O. Box 2100, Houston, TX 77001.
1417 Olympic Pipe Line Co., P.O. Box 900, Dallas, TX 75221.
1420 Paloma Pipe Line Co., 2500 First National Bank Building, Dallas, TX 75202.
1321 Phillips Petroleum Co., Adams Building, Bartlesville, OK 74004.
1320 Phillips Pipe Line Co., Adams Building, Bartlesville, OK 74004.
1372 Pioneer Pipe Line Co., P.O. Drawer 1267, Ponca City, OK 74601.
1343 Plantation Pipe Line Co., P.O. Box 18616, Atlanta, GA 30326.
1367 Platte Pipe Line Co., 539 S. Main St., Findlay, OH 45840.
1410 Portal Pipe Line Co., 1401 Elm St., Dallas, TX 75202.
1327 Pure Transportation Co., 200 East Golf Road, Palatine, IL 60067.
1428 Santa Fe Pipe Line Co., 1200 Thompson Bldg., Fifth & Boston Sts., Tulsa, OK 74103.
1369 Shamrock Pipe Line Corp., P.O. Box 631, Amarillo, TX 79105.
1326 Shell Pipe Line Corp., P.O. Box 2648, Houston, TX 77001.
1402 Skelly Pipe Line Co., P.O. Box 1650, Tulsa, OK 74101.
1335 Sohio Pipe Line Co., P.O. Box 5774, Cleveland, OH 44101.
1424 Southcap Pipeline Co., 200 East Golf Road, Palatine, IL 60067.
1393 Southern Pacific Pipe Lines, Inc., 610 S. Main St., Los Angeles, CA 90014.
1370 Sun Oil Line Co. of Michigan, 907 South Detroit Ave., Tulsa, OK 74120.
1315 Sun Pipe Line Co., P.O. Box 2039, Tulsa, OK 74120.
1386 Tecumseh Pipe Line Co., P.O. Box 308, Independence, KS 67301.
1300 Texaco-Cities Service Pipe Line Co., P.O. Box 52332, Houston, TX 77052.
1408 Texas Eastern Transmission Corp., Little Big Inch Division, P.O. Box 2521, Houston, TX 77001.
1293 Texas-New Mexico Pipe Line Co., P.O. Box 52332, Houston, TX 77052.
1330 The Texas Pipe Line Co., P.O. Box 52332, Houston, TX 77052.
1412 Trans Ohio Pipeline Co., P.O. Box 2521, Houston, TX 77001.
1432 UCAR Pipeline Incorporated, 270 Park Avenue, New York, N.Y. 10017.
1388 West Emerald Pipe Line Corp., P.O. Box 631, Amarillo, TX 79105.
1396 West Shore Pipe Line Co., 910 South Michigan Ave., Chicago, IL 60680.
1362 West Texas Gulf Pipe Line Co., P.O. Drawer 2100, Houston, TX 77001.
1421 White Shoal Pipeline Corp., Kerr-McGee Building, Oklahoma City, OK 73102.
1423 Williams Pipe Line Co., P.O. Drawer 3448, Tulsa, OK 74101.
1377 Wolverine Pipe Line Co., P.O. Box 2648, Houston, TX 77001.
1355 Wyco Pipe Line Co., 910 South Michigan Ave., Chicago, IL 60605.
1373 Yellowstone Pipe Line Co., P.O. Drawer 1267, Ponca City, OK 74601.

On or before August 2, 1974, persons other than those specifically designated in section 19a(h) of the Interstate Commerce Act having an interest in the valuation of any carrier named above may, pursuant to rule 72 of the Commission's "General Rules of Practice" (49 CFR 1100.72), file an original and three copies of a petition for leave to intervene and, if granted, thus to come within the category of "additional parties as the Commission may prescribe" under section 19a(h) of the act, thereby enabling the party to file a protest. Blanket petitions to intervene in all or several of these proceedings is not permissible. Individual petitions to intervene must be filed with respect to each valuation in which participation is sought. It is also required that a copy of the petition to intervene be served at the address shown above upon the carrier whose property is the subject of the tentative valuation and that an appropriate certificate of service be attached to the petition. Persons specifically designated in section 19a(h) of the act need not file a petition; they are entitled to file protests as a matter of right under the statute.

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

[FR Doc.74-15268 Filed 7-2-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 28, 1974.

An application, as summarized below, has been filed requesting relief from the requiremnts of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before July 18, 1974.

FSA No. 42844—*Joint Water-Rail Container Rates—American President Lines, Ltd.* Filed by American President Lines, Ltd., (No. 11), for itself and interested rail carriers. Rates on general commodities, between ports in Indonesia, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

By the Commission.

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

[FR Doc.74-15271 Filed 7-2-74;8:45 am]

[No. AB-6; Sub-No. 13]

BURLINGTON NORTHERN, INC.

Abandonment of Line

JUNE 28, 1974.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection 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 Wadena and Ottertail Counties, Minn., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 20th day of June 1974.

By the Commission, Commissioner Tuggle.

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

The Interstate Commerce Commission hereby gives notice that by order dated June 20, 1974, it has been determined that the proposed abandonment of the line of Burlington Northern, Inc., between Wadena Junction and Battle Lake, Minn., a distance of approximately 31.2 miles, 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 traffic over this line has been declining and is minimal, a majority of the affected traffic is concentrated at one station (Henning) where alternative rail service is available, and an adequate highway network serves the affected area.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before July 18, 1974.

[FR Doc.74-15264 Filed 7-2-74;8:45 am]

[No. AB-68, Sub-No. 1; Finance Docket No. 27428]

LAKE SUPERIOR AND ISHPEMING RAILROAD CO.

Abandonment of Line; Application To Acquire Trackage

JUNE 28, 1974.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in these proceedings, because these proceedings do 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 Marquette County, Mich., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 20th day of June 1974.

By the Commission, Commissioner Tuggle.

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

The Interstate Commerce Commission hereby gives notice that by order dated June 20, 1974, it has been determined that the proposed abandonment of a portion of the line of railroad of the Lake Superior and Ishpeming Railroad Company (LS&I) between Marquette and Chocolay Township, Mich., a distance of 2.4 miles, and the application for the Lake Superior and Ishpeming Railroad Company to acquire trackage rights of the line of railroad of the Soo Line Railroad Company between Marquette and Chocolay Township, Mich., a distance of 2.4 miles, 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 inasmuch as no shippers are receiving service over the LS&I line and the small amount of maintenance traffic now moving over the line will be diverted to the nearby parallel tracks of the Soo Line (under the trackage rights agreement), there would be no significant effect on the area's transportation scheme. Approval of the abandonment will facilitate the expansion of U.S. Highway 41 by allowing the sale and reversion of a portion of the LS&I right-of-way to the State of Michigan. Failure to remove the line will necessitate the expansion of the highway over a different route and may result in the removal of natural rock formations. Furthermore, approval will permit reversion of a portion of the LS&I right-of-way to the City of Marquette for possible recreational usage. Since the remaining segments of the right-of-way will revert to adjoining landowners, approval of these applications will, therefore, be consistent with local land use plans and existing land uses.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone [202] 343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before July 18, 1974.

[FR Doc.74-15266 Filed 7-2-74;8:45 am]

[Notice 22]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 28, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-2245 (Deviation No. 6), THE O.K. TRUCKING COMPANY, 3000 East Crescentville Rd., Cincinnati, Ohio 45241, filed May 30, 1974. Carrier's representative: Jack B. Josselson, 700 Atlas Bank Building, 524 Walnut Street, Cincinnati, Ohio 45202. Carrier proposes to operate as *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Indianapolis, Ind., over Interstate Highway 65 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Illinois Highway 1, thence over Illinois Highway 1 to junction Illinois Highway 17, thence over Illinois Highway 17 to Kankakee, Ill., (2) from Indianapolis, Ind., over Interstate Highway 65 to junction Indiana Highway 10, thence over Indiana Highway 10 to Indiana-Illinois state line, thence over Illinois Highway 114 to junction Illinois Highway 1, thence over Illinois Highway 1 to junction Illinois Highway 17, thence over Illinois Highway 17 to Kankakee, Ill., and (3) from Danville, Ill., over Illinois Highway 1 to junction Illinois Highway 17, thence over Illinois Highway 17 to Kankakee, Ill., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From

Indianapolis, Ind., over U.S. Highway 136 to Danville, Ill., thence over Illinois Highway 1 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction Illinois Highway 49, thence over Illinois Highway 49 to Kankakee, Ill., and return over the same routes.

No. MC–29555 (Deviation No. 15), BRIGGS TRANSPORTATION CO., 2360 W. County Road C, St. Paul, Minn. 55113, filed May 28, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exception, over a deviation route as follows: From Omaha, Nebr., over Interstate Highway 29 to St. Joseph, Mo. (using portions of U.S. Highways 136 and 59 where Interstate Highway 29 has not been completed), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Omaha, Nebr., over U.S. Highway 275 to Sidney, Iowa, thence over Iowa Highway 2 to Clarinda, Iowa, thence over U.S. Highway 71 to Kansas City, Mo., and return over the same routes.

By the Commission,

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

[FR Doc.74–15267 Filed 7–2–74;8:45 am]

[Notice 114]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JULY 3, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 23, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75082. By order of June 21, 1974, the Motor Carrier Board approved the transfer to W. H. Luddy & Son Moving Co., Inc., East Bridgewater, Mass., of Certificate No. MC–42578 issued October 1, 1962, to W. H. Luddy & Son, Inc., East Bridgewater, Mass., authorizing the transportation of general commodities between East Bridgewater, Mass., on the one hand, and, on the other, points within ten miles of East Bridgewater, Mass.; milk and cream between East Bridgewater, Mass., and points within five miles thereof, on the one hand, and, on the other, Providence and East Providence, R.I., and Somerville, Mass.; and household goods between East Bridgewater, Mass., and points in Massachusetts within 25 miles of East Bridgewater, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, New York, and Rhode Island. Frank J. Weiner, Esq., 15 Court Square, Boston, Mass. 02108.

No. MC–FC–75165. By order of June 21, 1974, the Motor Carrier Board approved the transfer to Marvin Strobel, doing business as Richmond Truck Line, Richmond, Kans., of that portion of the operating rights in Certificate No. MC–1942 issued July 28, 1970, to Robert Foltz, Ottawa, Kans., authorizing the transportation of livestock, between Richmond, Kans., and St. Joseph, Mo., serving intermediate points and off-route points within 20 miles of Richmond; binder twine, from St. Louis, Mo., to Richmond, Kans., serving no intermediate points; fertilizer, in sacks, and feed and seed, in sacks and in bulk, from St. Joseph, Mo., to Richmond, Kans., and points within 20 miles of Richmond; fertilizer, dry, in bulk, and in sacks, from Horn, Mo., to Richmond, Kans., and points within 20 miles of Richmond; and church furniture, uncrated, from Garnett, Kans., to points in Missouri, Ohio, Iowa, Nebraska, Oklahoma, Illinois, and Texas. Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603, attorney for applicants.

No. MC–FC–75181. By order of June 20, 1974 the Motor Carrier Board approved the transfer to Gary Dean Berg, doing business as Lopez Auto Freight, Lopez, Wash., of the operating rights in Certificate No. MC–113596 issued April 1, 1969, to Ray Arthur Dillon, doing business as Lopez Auto Freight, Lopez, Wash., authorizing the transportation of general commodities, with exceptions, between points in Whatcom, Skagit, Island, and Snohomish Counties, Wash., on the one hand, and, on the other, points in Lopez Island, Wash. Michael C. Redman, P.O. Box 637, Friday Harbor, Wash., 98250, attorney for applicants.

No. MC–FC–75204. By order of June 21, 1974, the Motor Carrier Board approved the transfer to R. J. M. Transfer Co., a corporation, St. Louis, Mo., of the operating rights in Certificate No. MC–106510 issued January 20, 1948, to F. W. Strecker Transfer Co., a corporation, St. Louis, Mo., authorizing the transportation of general commodities, with exceptions, between specified points and areas in Missouri and Illinois. Austin C. Knetzger, 722 Chestnut St., St. Louis, Mo. 63101, attorney for applicants.

No. MC–FC–75210. By order of June 24, 1974, the Motor Carrier Board approved the transfer to Ernest P. Fankhauser, doing business as E. Pat Fankhauser, Cumberland, Wisc., of the operating rights in Certificate No. MC–105366 issued March 11, 1971 to Roger G. Owens, Cumberland, Wisc., authorizing the transportation of specified commodities between specified points and areas in Wisconsin, on the one hand, and, on the other, specified points in Minnesota. F. H. Kroeger, 1745 University Ave., St. Paul, Minn., 55104, representative for applicants.

No. MC–FC–75212. By order of June 24, 1974, the Motor Carrier Board approved the transfer to Haines Transfer, Inc., Haines, Alaska, of the operating rights in Certificate No. MC–125271 issued July 29, 1965, to Donald E. Krake, doing business as Haines Transfer, Haines, Alaska, authorizing the transportation of general commodities, with exceptions, between points in a described area of Alaska. Max F. Gruenberg, Jr., 1027 West Third Ave., Anchorage, Alaska 99501, attorney for applicants.

No. MC–FC–75224. By order of June 25, 1974, the Motor Carrier Board approved the transfer to Alphie J. Bousely, Inc., Armstrong Creek, Wisc., of the operating rights in Permits No. MC–124309 and MC–124309 (Sub-No. 4), issued March 1, 1972, and April 5, 1972, respectively to Alphie J. Bousley, Armstrong Creek, Wisc., authorizing the transportation of various commodities from and to specified points and areas in Alabama, Arkansas, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Montana New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Tennessee, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, Wisc. 53203, attorney for applicants.

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

[FR Doc.74–15272 Filed 7–2–74;8:45 am]

[No. AB–19, Sub-No. 18]

TYLERDALE CONNECTING RAILROAD CO. AND BALTIMORE AND OHIO RAILROAD CO.

Abandonment of Line

JUNE 28, 1974.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection 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 Washington County, Pa., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 20th day of June, 1974.

By the Commission, Commissioner Tuggle.

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

The Interstate Commerce Commission hereby gives notice that by order dated June 20, 1974, it has been determined that the proposed abandonment by the Tylerdale Connecting Railroad Company and the Baltimore and Ohio Railroad Company of the Sugar Creek Branch in Washington County, Pa., a distance of 0.83 mile, 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 effects of the proposed action are not considered significant because no traffic has been handled on this line since 1967, no diversion of traffic from rail to truck will occur, and there are no development plans or land use policies in the tributary territory which are dependent on the availability of rail service.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone [202] 343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before July 18, 1974.

[FR Doc.74-15265 Filed 7-2-74;8:45 am]

[No. 17000]

WESTERN TRUCK LINE COMMITTEE ET AL.

Rate Structure Investigation

JUNE 28, 1974.

Notice is hereby given that on April 25, 1974, rail carrier members of Western Trunk Line Committee, Southern Freight Association, Traffic Executive Association-Eastern Railroads, and Southwestern Freight Bureau, filed a petition for leave to file a concurrently tendered petition for modification, by vacation, of the order entered herein on December 5, 1973 (197 I.C.C. 115), as further modified or amended in subsequent orders, insofar as they prescribe rates on salt in carload lots in bulk or in packages at minimum carload weights as set forth therein, covering "traffic within the scope of territory as defined in I.C.C. Docket 28300 (281 I.C.C. 213-328) (official, Illinois, southern, southwestern (including eastern New Mexico as described therein), and western trunk-line territories)". A reply to the tendered petition was received on June 10, 1974, from Morton Salt Company, a Division of Morton-Norwich Products, Inc., for Salt Institute Transportation and Distribution Committee, advising of general agreement, but emphasizing that the railroads' petition was broader in territory that necessary to comply with shipper requests insofar as it included vacation of the rates prescribed in the order of December 5, 1933, for Official Territory.

Petitioners aver that until the early 1960's, the Docket 17000-Part 13 rates, as subjected to proper ex parte increases, still formed the basic rate structure on salt within the scope of the above-described territory, but that additional commodity rates, as noted below, were published for the following reasons:

> Faced with an ever-increasing erosion of traffic to competitive forms of transportation, petitioning rail carriers established in the early 1960's a multiple-minima level of rates commonly referred to as the "Banner Scales." These rate levels were the result of intensive studies that disclosed that the original 17000-Part 13 rates were simply not fully adequate to combat severe motor-truck competition, nor did they provide the proper incentive to utilize increased car capacities, both of which had developed into highly significant factors in the intervening 30 years. These "Banner Scales" were established generally within the scope of I.C.C. Docket 28300 territory, except within and to Eastern (Official) Territory.

Petitioners affirm that because of differences in rate structure, there were situations in which the above-described "Banner Scale" rates were higher than the corresponding Docket 17000-Part 13 rates, and that consequently tariff alternation was provided between the two.

With two sets of rates in effect, however, petitioners present the following difficulties:

> It has since become apparent, however, to both carriers and shippers alike, that the continued existence of these alternating rate structures has become burdensome to the carriers in their efforts at tariff simplification and to the shippers in their rate retrieval programs.

The proposed removal of the prescription of the Docket 17000-Part 13 rates on salt contained in our order of December 5, 1933, is sought by petitioners in order to cancel those rates, as increased, from the tariffs so that the difficulties set forth above may be eliminated, and additional advantages as detailed below may be secured.

The advantages are detailed as:

> A considerable amount of tariff pages will be eliminated and present opportunities for consolidations of a number of these [tariff] issues all aimed at tariff simplification to the advantage of both carriers and the shipping public.

If the request for the removal of the said prescription is granted, however, petitioners do not intend to cancel the Docket 17000-Part 13 rates on salt from all of the requested territory for the following reasons:

> It is, of course, not intended to cancel the 17000-Part 13 rates where the 'Banner Scales' today have no application, which would essentially leave nothing but class rates in effect. Rate levels reflecting the 17000-Part 13 adjustment, as modified, within and to Eastern [Official] Territory are not to be disturbed. * * * Since no changes are contemplated that would alter the existing rate structure within and to Eastern [Official] Territory the relief here requested will not be detrimental to the shipping public.

Thus, while petitioners request the removal of the prescription of the Docket 17000-Part 13 rates on salt for the entire Docket 28300 territory, they expressly disclaim any intention of canceling rates therefor as named in tariffs applying within and to Official Territory.

Any person interested in the matter which is the subject of the petition and who wishes to participate actively in any further proceedings herein shall notify this Commission by filing with the Office of Proceedings, Room 5342, 12th Street and Constitution Avenue, NW, Washington, D.C. 20423, on or before July 29, 1974, an original and one copy of a statement of his intention to participate. Thereafter, the nature of further proceedings herein, if any, will be designated. The petition and statements of intent to participate, if any, will be available for public inspection at the offices of the Interstate Commerce Commission during the regular business hours.

The aforementioned reply of Morton Salt Company, A Division of Morton-Norwich Products, Inc., for Salt Institute Transportation and Distribution Committee, will be considered as in support of the determination sought in the petition unless the Commission is otherwise advised within the time specified above.

A copy of this notice will be served upon the petitioners, on the Morton Salt Company, A Division of Morton-Norwich Products, Inc., for Salt Institute Transportation and Distribution Committee, and on Mr. Jack E. Richert, General Traffic Manager, Diamond Crystal Salt Company, St. Clair, Michigan 48079. Notice of the filing of the petition will be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., and by delivering a copy hereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Subsequent notices and/or orders entered herein will be served solely on persons responding to this notice, on the petitioners, on the Morton Salt Company, A Division of Morton-Norwich Products, Inc., for Salt Institute Transportation and Distribution Committee, and on Mr. Jack E. Richert, General

Traffic Manager, Diamond Crystal Salt Company, St. Clair, Michigan 48079.

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

[FR Doc.74-15263 Filed 7-2-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 28, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 15, 1974. 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-730 (Sub-No. E61), filed May 17, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and acids*, in bulk, in tank vehicles, from points in Texas (except points in El Paso, Hudspeth, Culberson, Jeff Davis, and Presidio Counties), to points in Nevada (except points in Clark County). The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC-730 (Sub-No. E62), filed May 17, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and acids* (except chemicals for human consumption, silicate of soda, petroleum products, liquid glue, and formaldehyde), in bulk, in tank vehicles, from points in those parts of Oregon and Washington on and west of U.S. Highway 395, to points in Arizona. The purpose of this filing is to eliminate the gateway of points in California.

No. MC-2860 (Sub-No. E14), filed May 17, 1974. Applicant: NATIONAL FREIGHT INC., 57 Westpark Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th St. NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut, Massachusetts, and Rhode Island, to points in Alabama, Mississippi, Arkansas, Iowa, Kansas, Minnesota, Nebraska, Tennessee, and that part of Virginia west of U.S. Highway 1. The purpose of this filing is to eliminate the gateways of (1) points in Camden, Atlantic, Gloucester, Salem, or Cumberland Counties, N.J., and (2) points in those parts of Delaware, Maryland, or Viriginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal.

No. MC-2860 (Sub-No. E15), filed May 17, 1974. Applicant: NATIONAL FREIGHT INC., 57 Westpark Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th St. NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from points in Connecticut, Massachusetts, and Rhode Island, to points in Kentucky, North Carolina, Illinois, Wisconsin, Missouri, South Carolina, Georgia, Florida, Louisiana, that part of Michigan on and north of Michigan Highway 55, that part of West Virginia on and south of Interstate Highway 70, that part of Ohio on and south of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 70 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-Indiana State line, and that part of Indiana on and south of a line beginning at Lake Michigan, thence along Interstate Highway 65 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Bridgeton, N.J.

No. MC-2860 (Sub-No. E16), filed May 17, 1974. Applicant: NATIONAL FREIGHT INC., 57 Westpark Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126-16th St. NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from points in New Jersey, that part of Delaware north of the Chesapeake and Delaware Canal, that part of New York south of U.S. Highway 6, and that part of Pennsylvania on and south of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 222 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-Maryland State line, to points in that part of West Virginia south of West Virginia Highway 7, Michigan, Kentucky, Indiana, Illinois, Wisconsin, Missouri, Louisiana, Alabama, Mississippi, Arkansas, Iowa, Kansas, Minnesota, Nebraska, Tennessee, and those parts of Ohio and Virginia west of Interstate Highway 75. The purpose of this filing is to eliminate the gateways of Deepwater (Salem County), N.J., and a point in Maryland, Delaware, or Virginia, east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal.

No. MC-2860 (Sub-No. E17), filed May 17, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billing, 1126 16th St. NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from points in New Jersey, that part of Delaware north of the Chesapeake and Delaware Canal, that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along Interstate Highway 83 to junction U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line, and that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 36 to junction New York Highway 63, thence along New York Highway 63 to Lake Ontario, to points in South Carolina, Georgia, and Florida. The purpose of this filing is to eliminate the gateways of Deepwater, N.J., and Baltimore, Md.

No. MC-2860 (Sub-No. E26), filed May 17, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billing, 1126 16th Street NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and those injurious or contaminating to other lading), from the plant site of Wilson & Co., Inc., at Monmouth, Ill., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC-2860 (Sub-No. E27), filed May 17, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billing, 1126 16th Street NW., Suit 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such canned goods as are distributed by meat packinghouses*, from the plant site of Wilson & Co., Inc., at Monmouth, Ill., to points in that part of North Carolina on and east of U.S. Highway 52, and that part of South Carolina east of Interstate Highway 95 and north of U.S. Highway 521. The purpose of this filing is to eliminate the gateway of points in Greene County, Pa.

No. MC-2860 (Sub-No. E29), filed May 17, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Avenue,

Vineland, N.J. 08360. Applicant's representative: Jacob P. Billing, 1126 16th Street NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and those injurious or contaminating to other lading), from the plant site of Armour and Company near Sterling, Ill., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC–2860 (Sub-No. E30), filed May 17, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billing, 1126 16th Street NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and those injurious or contaminating to other lading), from the plant site of Armour and Company at or near Sterling, Ill., 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 17 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 29, thence along New York Highway 29 to junction Interstate Highway 87, thence along Interstate Highway 87 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of Somerville, N.J.

No. MC–2860 (Sub-No. E31), filed May 17, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billing, 1126 16th Street NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such canned goods* as are distributed by meat packinghouses, from the plant site of Armour and Co., at or near Sterling, Ill., to points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line, thence along North Carolina Highway 18 to junction North Carolina Highway 115, thence along North Carolina Highway 115 to junction U.S. Highway 21, thence along U.S. Highway 21 to the North Carolina-South Carolina State line, that part of South Carolina on and east of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 21 to junction U.S. Highway 321, thence along U.S. Highway 321 to the South Carolina-Georgia State line, and that part of Georgia on and east of U.S. Highway 321. The purpose of this filing is to eliminate the gateway of points in Greene County, Pa.

No. MC–2860 (Sub-No. E32), filed May 17, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th St. NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from the plantsite of National Biscuit Company at Grand Rapids, Mich., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC–2860 (Sub-No. E33), filed May 17, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th St. NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from the plantsite of National Biscuit Company at Grand Rapids, Mich., to points in that part of North Carolina on and east of Interstate Highway 95, and to points in Horry County, S.C. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC–13780 (Sub-No. E1), filed May 12, 1974. Applicant: SOFIA BROTHERS, INC., 550 Mamaroneck Ave., Harrison, N.Y. 10528. Applicant's representative: Mr. Edward M. Alfano (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Connecticut, Massachusetts, New Hampshire, Maine, Vermont, and Rhode Island, on the one hand, and, on the other, points in Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, West Virginia, and the District of Columbia; (2) between points in Nassau, Suffolk, and Westchester County, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia, Florida, the District of Columbia, and West Virginia; (3) between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in New Jersey and New York; and; (4) between points in Bergen, Essex, Hudson, Passaic and Union Counties, N.J., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Georgia, and Florida. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC–17868 (Sub-No. E1), filed June 3, 1974. Applicant: H. E. BRINKERHOFF & SONS TRANSPORTATION CO., 1001 South 14th St., Harrisburg, Pa. 17104. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Erie, Crawford, Warren, Elk, McKean, Potter, Cameron, Clington, Tioga, Lycoming, Bradford, Sullivan, Susquehanna, Wyoming, Luzerne, Wayne, Lackawanna, Pike, Carbon, Monroe, Northampton, Lehigh, Bucks, Montgomery, Philadelphia, and Delaware Counties, Pa., on the one hand, and, on the other, points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateways of Wilmington, Del., and Harrisburg, Pa.

No. MC–17868 (Sub-No. E3), filed June 3, 1974. Applicant: H. E. BRINKERHOFF & SONS TRANSPORTATION CO., 1001 South 14th St., Harrisburg, Pa. 17104. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Lehigh, Chester, Delaware, Philadelphia, Monroe, Montgomery, and Bucks Counties, Pa., on the one hand, and, on the other, points in New York, in and west of Oswego, Oneida, Madison, Chenaugo, and Broome Counties. The purpose of this filing is to eliminate the gateways of Wilmington, Del., and Harrisburg, Pa.

No. MC–44053 (Sub-No. E2), filed May 31, 1974. Applicant: TOWNE SERVICES HOUSEHOLD GOODS TRANSPORTATION CO., INC., P.O. Box 16091, San Antonio, Tex. 78246. Applicant's representative: Wendell F. Chandler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Colorado, on the one hand, and, on the other, points in Louisiana, and (2) between points in Colorado on and west of Interstate Highway 25, on the one hand, and, on the other, points in Missouri on and south of Interstate Highway 44. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–64932 (Sub-No. E103), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from Blue Island, Ill., and points within one and one-half miles of Blue Island, to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee,

Texas, and points in those portions of Colorado and New Mexico on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateways of East Chicago, Ind., and Marshall, Ill.

No. MC–64932 (Sub-No. E105), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in the Chicago, Ill., commercial zone, as defined by the Commission, to points in California. The purpose of this filing is to eliminate the gateway of the plant site of Baird Chemical Industries, Inc., at or near Mapleton, Ill.

No. MC 72729 (Sub-No. E1), filed May 14, 1974. Applicant: GOLDEN GATE VAN LINES, INC., 479 South Airport Blvd., South San Francisco, Calif. 94080. Applicant's representative: D. J. Lutkenhouse (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in California, on the one hand, and, on the other, points in Washington east of the western boundary lines of Ferry, Lincoln, Adams, Franklin, and Walla Walla Counties; (2) between points in California in and south of the northern boundary lines of Mendocino, Trinity, Shasta, and Modoc Counties, on the one hand, and, on the other, points in Washington, east of the western boundary lines of Okanogan, Douglas, Grant, Franklin, and Walla Walla Counties; (3) between points in California in and south of the northern boundary lines of Marin, Contra Costa, San Joaquin, Amador, and Alpine Counties, on the one hand, and, on the other, points in Washington east of the western boundary lines of Whatcom, Skagit, Chelan, Kittitas, and Benton Counties; (4) between points in California in and south of the northern boundary lines of Monterey, San Benito, Fresno, and Inyo Counties, on the one hand, and, on the other, points in Washington east of the western boundary lines of Whatcom, Skagit, Snohomish, Chelan, Kittitas, Grant and Benton Counties; (5) between points in California in and south of the northern boundary lines of San Luis Obispo, Kern, and Inyo Counties, on the one hand, and, on the other, points in Washington east of the western county boundary lines of Whatcom, Skagit, Snohomish, King, Kittitas, Grand, and Benton Counties; (6) between points in California in and south of the northern boundary lines of San Bernardino and Orange Counties, on the on hand, and, on the other, points in Washington east of the western boundary lines of Grays Harbor, Yakima, and Klickitat Counties; (7) between points in California, on the one hand, and, on the other, points in Idaho north of the southern boundary lines of Nez Perce, Lewis, and Clearwater Counties; (8) between points in California in and west of the eastern boundary lines of Modoc, Shasta, Tehama, Butte, Sutter, Sacramento, Contra Costa, Santa Clara, San Benito, and Monterey, on the one hand, and, on the other, points in Idaho north of the southern boundary lines of Idaho County; (9) between points in Oregon in and south of the northern boundary lines of Douglas, Klamath, Luke, Harney, Grant, and Baker, on the one hand, and, on the other, points in Washington east of the western boundary lines of Okanogan, Lincoln, Adams, Franklin, and Walla Walla Counties; (10) between points in Oregon in and east of the western boundary lines of Umatilla, Baker, and Malheur Counties, on the one hand, and, on the other, points in Washington east of the western boundary lines of Okanogan, Douglas, and Grant Counties:

(11) between points in Oregon in and west of the eastern boundary lines of Umatilla, Grant, and Harney Counties, on the one hand, and, on the other, points in Idaho north of the southern boundary lines of Nez Perce, Lewis, and Clearwater Counties; (12) between points in Idaho in and south of the northern boundary lines of Idaho County, on the one hand, and, on the other, points in Washington west of the eastern boundary lines of Whatcom, Skagit, Snohomish, King, Kittitas, and Benton Counties; (13) between points in Idaho in and south of the northern boundary lines of Canyon, Ada, Elmore, Blaine, Power, Bannock, and Caribou Counties, on the one hand, and, on the other, points in Washington east of the western boundary lines of Okanogan, Douglas, Grant, Franklin, and Walla Walla Counties; (14) between points in Idaho in and south of the northern boundary lines of Ada, Elmore, Blaine, Butte, Clark, and Fremont Counties, on the one hand, and, on the other, points in Oregon west of the eastern boundary lines of Columbia, Washington, Yamhill, and Polk Counties; (15) between Sacramento, Santa Rosa, and Vallejo, Calif., on the one hand, and, on the other, Bellingham and Mount Vernon, Wash.; (16) between Santa Rosa, Movato, Oakland, San Francisco, and Merced, Calif., on the one hand, and, on the other, Everett, Wash.; (17) between Fresno and Tulare, Calif., on the one hand, and, on the other, Seattle, Wash.; (18) between San Luis Obispo, Bakersfield, Santa Maria, Santa Barbara, Ventura, Palmdale, and Los Angeles, Calif., on the one hand, and, on the other, Bremerton, Wash.; (19) between Santa Maria, Santa Barbara, Ventura, Palmdale, and Los Angeles, Calif., on the one hand, and, on the other, Tacoma, Wash.; (20) between Merced. Salinas, Monterey, Fresno, Tulare, San Luis Obispo, Bakersfield, Santa Maria, Barstow, Palmdale, San Bernardino, Riverside, Santa Ana, Oceanside, and San Diego, Calif., on the one hand, and, on the other, Pendleton, Oreg.; (21) between Salem, Oreg., on the one hand, and, on the other, Salmon, Idaho Falls, Pocatello, Boise, and Twin Falls, Idaho; (22) between Eugene, Oreg., on the one hand, and, on the other, Salmon, Idaho Falls, and Pocatello, Idaho; (23) between Portland, Oreg., on the one hand, and, on the other, Salmon, Idaho; (24) between Pendleton, Oreg., on the one hand, and, on the other, Salmon, Idaho Falls, Pocatello, and Twin Falls, Idaho, and; (25) between Klamath Falls and Grants Pass, Oreg., on the one hand, and, on the other, Salmon, Idaho. The purpose of this filing is to eliminate the gateway of Walla Walla, Wash.

No. MC–73165 (Sub-No. E22), filed May 28, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (1) from points in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 278 to Attalla, thence along U.S. Highway 11 to the Alabama-Mississippi State line, and points in Jefferson County, Ala., points in Illinois, except points on and within a territory bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Decatur, thence along U.S. Highway 51 to La Salle, thence along U.S. Highway 6 to Joliet, thence along the Alternate U.S. Highway 66 to junction U.S. Highway 66, thence along U.S. Highway 66 to Chicago, and thence along the Illinois-Indiana State line to point of beginning, points in Ohio, Iowa, Kansas, Michigan, Wisconsin, and points in Kentucky on and west of the Tennessee River; (2) from points in Alabama on and south of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 11 to Birmingham thence along U.S. Highway 280 to the Alabama-Georgia State line, points in Kentucky on and north of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 31 to Glasgow, thence along Kentucky Highway 80 to Allen, thence along U.S. Highway 23 to the Kentucky-West Virginia State line at Louisa, (except Louisville), and; (3) from points in Alabama on and east of U.S. Highway 31 and on and north of U.S. Highway 78 in Kansas and Iowa, and points in Wisconsin on and north of U.S. Highway 18. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC–74321 (Sub-No. E3), filed June 3, 1974. Applicant: B. F. WALKER, INC., P.O. Box 17B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, the transportation of which, because of size and weight, require the use of special equipment or special handling, (1) from points in Colorado to points in that part

of Mississippi on and south of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 84 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Mississippi Highway 28, thence along Mississippi Highway 28 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Mississippi-Alabama State line (Baytown, Tex.)*; (2) from points in New Mexico to points in that part of Louisiana on and south of Interstate Highway 20 (Houston, Tex.)*; (3) from points in New Mexico to points in that part of Mississippi on and south of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 84 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Mississippi Highway 28, thence along Mississippi Highway 28 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Mississippi-Alabama State line (Baytown, Tex.)*; (4) from points in that part of Texas on and south of a line beginning at the International Boundary line between the United States and Mexico, thence along on U.S. Highway 90 to junction Interstate Highway 10, thence east on Interstate Highway 10 to the Texas-Louisiana State line to points in Arkansas (Baytown, Tex.)*; and (5) from points in that part of Texas on and south of a line beginning at the New Mexico-Texas State line, thence along Interstate Highway 10 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Gulf of Mexico, to points in Mississippi (Baytown, Tex.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-74321 (Sub-No. E5), filed June 3, 1974. Applicant: B. F. WALKER, INC., P.O. Box 17B, Denver, Colo. Applicant's representative: Richard P. Kissinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, other than pipe lines 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 pipe line rights-of-way, (1) between points in Arizona, on the one hand, and, on the other, points in Kansas, Louisiana, Oklahoma, and Texas (points in New Mexico)*; (2) between points in Colorado, on the one hand, and, on the other, points in Louisiana (points in Texas)*; (3) between points in Kansas, on the one hand, and, on the other, points in Montana, Nevada, Utah, and Wyoming (points in Colorado)*; (4) between points in Louisiana, on the one hand, and, on the other, points in Montana (points in Texas)*; (5) between points in Louisiana, on the one hand, and, on the other, points in Nevada (points in New Mexico)*; (6) between points in Louisiana, on the one hand, and, on the other, points in Utah (points in New Mexico or Texas or Colorado)*; (7) between points in Louisiana, on the one hand, and, on the other, points in Wyoming (points in Texas)*; (8) between points in Montana, on the one hand, and, on the other, points in Oklahoma (points in Colorado)*; (9) between points in Nevada, on the one hand, and, on the other, points in Oklahoma and Texas (points in New Mexico)*; and (10) between points in Oklahoma, on the one hand, and, on the other, points in Utah and Wyoming (points in Colorado)*. The purpose of this filing is to eliminate the gateways of the points marked with an asterisk above.

No. MC-74321 (Sub-No. E4), filed June 3, 1974. Applicant: B. F. WALKER, INC., P.O. Box 17B, Denver, Colo. Applicant's representative: Richard P. Kissinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) from Corpus Christi, Tex., to points in Arkansas, Kansas, and Mississippi; (2) from Galveston, Tex., to points in Arkansas, Kansas, and Mississippi; (3) from Houston, Tex., to points in Arkansas, Kansas, and Mississippi; and (4) from the facilities of CF & I Steel Corporation at or near Pueblo, Colo., to points in that part of Mississippi on and south of a line beginning at the Louisiana-Mississippi State line, thence along U.S. Highway 84 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Mississippi Highway 28, thence along Mississippi Highway 28 to junction Interstate Highway 55, thence along Interstate Highway 55 to Interstate Highway 20, thence along Interstate Highway 20 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of Baytown, Tex.

No. MC-88368 (Sub-No. E8), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) from points in Florida to points in Arkansas (Valdosta, Ga., points in Alabama within 100 miles of Birmingham, Alabama, except Montgomery, Ala.)*, points in Colorado (Valdosta, Ga., points in Alabama within 100 miles of Birmingham, Ala., except Montgomery, Ala., points in Mississippi, and points in Kansas)*, points in Idaho (Valdosta, Ga., points in Alabama within 100 miles of Birmingham, Ala., except Montgomery, Ala., points in Kansas, Colorado, and Montana)*, points in Illinois (Florence, Sheffield, and Tuscumbia, Ala., points in Mississippi, and points in Missouri)*, points in Indiana (points in Georgia within territory bounded by a line beginning at the Georgia-Florida State line, and extending along U.S. Highway 1 to Waycross, Ga., thence along U.S. Highway 82 to Albany, Ga., thence along Georgia Highway 3 through Baconton, Camilla and Pelham, Ga., to Thomasville, Ga., thence along U.S. Highway 19 to the Georgia-Florida State line and thence along the Georgia-Florida State line to junction of U.S. Highway 1, the point of beginning, and points in Harlan County, Ky.)*, points in Iowa (Florence, Sheffield, and Tuscumbia, Ala., and points in Mississippi and Missouri)*, points in Kansas (Florence, Sheffield, and Tuscumbia, Ala., and points in Mississippi)*, points in Harlan County, Ky. (points in Georgia, within a territory bounded by a line beginning at the Georgia-Florida State line and extending along U.S. Highway 1 to Waycross, Ga., thence along U.S. Highway 82 to Albany, Ga., thence along Georgia Highway 3 through Baconton, Camilla, and Pelham, Ga., to Thomasville, Ga., thence along U.S. Highway 19 to the Georgia-Florida State line and thence along the Georgia-Florida State line to junction U.S. Highway 1, the point of beginning)*, points in Michigan (points in Georgia within a territory bounded by a line beginning at the Georgia-Florida State line, and extending along U.S. Highway 1 to Waycross, Ga., thence along U.S. Highway 82 to Albany, Ga., thence along Georgia Highway 3 through Baconton, Camilla, and Pelham, Ga., to Thomasville, Ga., thence along U.S. Highway 19 to the Georgia-Florida State line to junction U.S. Highway 1, the point of beginning, points in Harlan County, Ky., Florence, Sheffield, and Tuscumbia, Ala., points in Mississippi and Missouri, and Bloomington, Ill., and points within 25 miles thereof)*, points in Minnesota (Florence, Sheffield, and Tuscumbia, Ala., points in Mississippi and Missouri, and Harlan, Iowa, and points within 15 miles thereof)*, points in Missouri (Florence, Sheffield, and Tuscumbia, Ala., and points in Mississippi)*, points in Montana (Valdosta, Ga., Birmingham, Ala. and points within 100 miles thereof, except Montgomery, Florence, Sheffield, and Tuscumbia, Ala., and points in Mississippi, Kansas and Colorado)*, points in Nebraska (Valdosta, Ga., Birmingham, Ala., and points within 100 miles of Birmingham, except Montgomery, Ala., points in Mississippi, and Missouri, and Newton, Kansas, and points within 15 miles thereof)*, points in Ohio (points in Georgia within a territory bounded by a line beginning at the Georgia-Florida State line, and extending along U.S. Highway 1 to Waycross, Ga., thence along U.S. Highway 82 to Albany, Ga., thence along Georgia Highway 3 through Baconton, Camilla, and Pelham, Ga., to Thomasville, Ga., thence along U.S. Highway 19 to the Georgia-Florida State line to junction U.S. Highway 1 the point of beginning, and points in Harlan County, Ky.)*, points in Oregon (Valdosta, Ga., Birmingham, Ala., and points within

100 miles of Birmingham except Montgomery, Ala., points in Mississippi, Colorado, and Kansas, and points in Washington east of the Cascade Mountains)*, points in Alabama (Florence, Sheffield, and Tuscumbia, Ala., points in Mississippi and Missouri, and Harlan, Iowa and points within 15 miles thereof)*, points in Texas on and north of U.S. Highway 80 and points in Texas within 200 miles of Detroit, Texas (Valdosta, Ga., Florence, Sheffield, and Tuscumbia, Ala., points in Alabama within 100 miles of Birmingham, Ala., except Montgomery, Ala., points in Louisiana, points in Cherokee County, Texas, and points in Oklahoma within an area bounded by a line beginning at the Oklahoma-Texas State line near Goodwin, Okla., and extending along U.S. Highway 60 to Seiling, Okla., thence along U.S. Highway 270 to El Reno, Okla., thence along U.S. Highway 81 to the Oklahoma-Texas State line, thence west and north along the Oklahoma-Texas State line to junction U.S. Highway 60, the points of beginning)*, points in Washington (Valdosta, Ga., points in Alabama within 100 miles of Birmingham, Ala., except Montgomery, Ala., and points in Kansas and Colorado)*, points in West Virginia (points in Georgia within a territory bounded by a line beginning at the Georgia-Florida State line, and extending along U.S. Highway 1 to Waycross, thence along U.S. Highway 82 to Albany, thence along Georgia Highway 23 through Baconton, Camilla, and Pelham, to Thomasville, Ga., thence along U.S. Highway 19 to the Georgia-Florida State line, and thence along the Georgia-Florida State line to junction U.S. Highway 1, the point of beginning, points in Harlan County, Ky., and points in Indiana)*, points in Wisconsin (Florence, Sheffield, and Tuscumbia, Ala., points in Mississippi and Missouri, Bloomington, Ill., and points within 25 miles thereof)*, and points in Wyoming (Valdosta, Ga., points in Alabama within 100 miles of Birmingham, Ala., except Montgomery, Ala., points in Mississippi and Nebraska, and Newton, Kans., and points within 15 miles thereof)*, to points in California in and north of Mendocino, Lake, Colusa, Sutter, Yabat, and Nevada Counties, Calif. (Valdosta, Ga., points in Alabama within 100 miles of Birmingham, Ala., points in Mississippi, Kansas, and Colorado, and points in Washington east of the Cascade Mountains)*; (2) from points in Florida east and south of Jefferson County, Fla., to points in Alabama (except points within 100 miles of Birmingham, Ala., but including Montgomery, Ala.) (Valdosta, Ga.)*; (3) from points in Florida of Broward and Dade Counties, Fla., to points in California in and north of San Mateo, Alameda, San Joaquin, Amador, and El Dorado Counties, Calif. (Valdosta, Ga., points in Alabama within 100 miles of Birmingham, Ala., except Montgomery, Ala., points in Mississippi, Kansas, and Colorado, and points in Washington east of the Cascade Mountains)*; (4) from points in Florida in, east, and south of Hamilton, Swannee, Lafayette, and Dixie Counties, Fla., to points in Louisiana and points in Mississippi (Valdosta, Ga., and points in Alabama within 100 miles of Birmingham, except Montgomery, Ala.)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC-88368 (Sub-No. E9), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) from points in Georgia to points in Arkansas (Valdosta, Ga., Florence, Sheffield, and Tuscumbia, Ala., and points in Alabama within 100 miles of Birmingham, Ala., except Montgomery, Ala.)*, to points in California on and north of Interstate Highway 80 (Florence, Sheffield, and Tuscumbia, Ala., points in Mississippi, Kansas, Colorado, and points in Washington east of the Cascade Mountains), points in Colorado (Florence, Sheffield, and Tuscumbia, Ala., and points in Mississippi and Kansas)*, points in Idaho (points in Alabama within 100 miles of Birmingham, Ala., except Montgomery, Ala., points in Mississippi, Kansas, Colorado, and Montana)*, points in Indiana (points in Harlan County, Ky.)*, points in Iowa (Florence, Sheffield, and Tuscumbia, Ala., and points in Mississippi, and Missouri)*, points in Kansas (Florence, Sheffield, and Tuscumbia, Ala., points in Alabama within 100 miles of Birmingham, Ala., except Montgomery, Ala., and points in Mississippi, and Arkansas)*, points in Louisiana (Florence, Sheffield, and Tuscumbia, Ala., and points in Alabama within 100 miles of Birmingham, Ala., except Montgomery, Ala.)*, points in Minnesota (Florence, Sheffield, and Tuscumbia, Ala., points in Alabama within 100 miles of Birmingham, Ala. except Montgomery, Ala., points in Mississippi, and Missouri, and Harlan, Iowa)*, points in Mississippi (Florence, Sheffield, and Tuscumbia, Ala., and points in Alabama within 100 miles of Birmingham, Ala., except Montgomery, Ala.)*, points in Missouri (Florence, Sheffield, and Tuscumbia, Ala., points in Alabama within 100 miles of Birmingham, Ala., except Montgomery, Ala., and points in Mississippi)*, points in Montana (Florence, Sheffield, and Tuscumbia, Ala., points in Alabama within 100 miles of Birmingham, Ala., except Montgomery, Ala., and points in Mississippi, Kansas, and Colorado)*, points in Nebraska (Florence, Sheffield, and Tuscumbia, Ala., points in Alabama within 100 miles of Birmingham, Ala., except Montgomery, Ala., and points in Mississippi, Missouri, and Kansas)*, points in Ohio (points in Harlan County, Ky.)*, points in Oklahoma (Florence, Sheffield, and Tuscumbia, Ala., points in Alabama within 100 miles of Birmingham, except Montgomery, Ala., points in Mississippi, Arkansas, and Missouri, and points in Cherokee County, Tex.)*, point in Oregon (Florence, Sheffield, and Tuscumbia, Ala., points in Alabama within 100 miles of Birmingham, Ala., except Montgomery, Ala., points in Mississippi, Kansas, and Colorado, and points in Washington, east of the Cascade Mountains)*, points in South Dakota (Florence, Sheffield, and Tuscumbia, Ala., points in Alabama within 100 miles of Birmingham, Ala., except Montgomery, Ala., points in Mississippi and Missouri, and Harlan, Iowa, and points within 5 miles thereof)*, points in Washington (Florence, Sheffield, and Tuscumbia, Ala., points in Mississippi, Kansas, and Colorado)*, points in West Virginia (points in Harlan County, Ky., except points within 5 miles of, and including Harlan, Ky.)*, points in Wisconsin (Florence, Sheffield, and Tuscumbia, Ala., points in Mississippi and Missouri, and Bloomington, Ill., and points within 25 miles thereof)*, points in Wyoming (Florence, Sheffield, and Tuscumbia, Ala., points in Mississippi and Nebraska, and Newton, Kansas, and points within 15 miles thereof)*, and points in Florida in and south of Dixie, LaFayette, Swanee, Columbia, Union, Bradford, Putnam, and Flager Counties, Fla. (points in Alabama within 100 miles of Birmingham, Ala., except Montgomery, Ala., and Valdosta, Ga.)*, (2) from points in Dekalb, Henry, Clayton, Fayette, Douglas, Cobb, Spaulding, Gwinett, Cherokee, Floyd, Forsyth, Hale, Burrow, Clarke, and Oconee Counties, Ga., to points in Maine (points in Harlan County, Ky., points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC-95540 (Sub-No. E42), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Bridgeton, N.J., to points in Texas. The purpose of this filing is to eliminate the gateways of Baltimore, Md., and points in Pike and Spaulding Counties, Ga.

No. MC-95540 (Sub-No. E43), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636 Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Bridgeton, N.J., to points in Mississippi. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-95540 (Sub-No. E468), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes transporting: *Frozen fruits and frozen vegetables* from Griffin and Montezuma Ga. to points in Arizona California, Colorado, Idaho, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Whiteside, Tenn.

No. MC–5540 (Sub-No. E469), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Delaware to points in Arizona, California, and New Mexico. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis and points in its commercial zone).

No. MC–95540 (Sub-No. E470), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Crozet, Va., to points, in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC–95540 (Sub-No. E471), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in New Jersey to points in Arkansas. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E472), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in New York to points in Arkansas. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E475), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Delaware to points in Louisiana. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E495), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, not coldpack or frozen, from Red Creek, Waterloo, Rushville, Penn Yan, Egypt, Fairport, Lyons, Newark, and Syracuse, N.Y., to points in South Carolina. The purpose of the filing is to eliminate the gateway of points in Virginia on the Del-Mar-Va-Peninsula south of the Chesapeake and Delaware Canal.

No. MC–95540 (Sub-No. E512), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Elmira, N.Y., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E513), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Minnesota to points in Florida. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E516), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen canned preserved or prepared foodstuffs*, from Bridgeton, N.J., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–95540 (Sub-No. E519), filed May 6, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Orangeburg, S.C., to points in Louisiana. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E520), filed May 6, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E521), filed May 3, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Kansas. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E522), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables and canned pimentos*, from Saticoy, Calif., to points in Maine. The purpose of this filing is to eliminate the gateway of the plant site and warehouse sites of the Commercial Cold Storage, Inc., located at or near Doraville, Ga.

No. MC–95540 (Sub-No. E523), filed May 3, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E587), filed May 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned frozen citrus products*, from points in Florida (except Jacksonville), to points in Connecticut. The purpose of this filing is to eliminate the gateway of Bridgeton, N.J.

No. MC–95540 (Sub-No. E588), filed May 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Tampa and Jacksonville, Fla., to points in Wyoming. The purpose of this filing is to eliminate the gateway of Gulfport, Miss.

No. MC–95540 (Sub-No. E592), filed May 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chickasha, Okla., to points in Maryland (except Baltimore). The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E593), filed May 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chickasha, Okla., to points in New Jersey (except Newark, Bridgeton, North Bergen, and those points in the New York, N.Y., commercial zone). The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E596), filed May 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pizza*, in vehicles equipped with mechanical refrigeration, from Greensboro, N.C., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–95540 (Sub-No. E597), filed May 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries*, and *frozen vegetables*, from points in Virginia on the Delmarva Peninsula to points in Texas. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E695), filed June 3, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California on or south of a line beginning at San Francisco and extending along Interstate Highway 80 to its junction with California Highway 17; thence along California Highway 17 to its junction with Interstate Highway 580, thence along Interstate Highway 580 to its junction with California Highway 132, thence along California Highway 132 to its junction with California Highway 99, thence along California Highway 99 to its junction with California Highway 58, thence along California Highway 58 to its junction with U.S. Highway 66; thence along U.S. Highway 66 to the Arizona-California State line to points in New York on and east of a line beginning at the United States-Canada International Boundary line, and extending along Interstate Highway 87 to its junction with New York Highway 23, thence along New York Highway 23 to its junction with New York Highway 7, thence along New York Highway 7 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E696), filed June 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California on or south of a line beginning at Jenner on the west coast and proceeding along California Highway 116 to Santa Rosa, thence along California Highway 12 to Glen Ellen, thence along unnumbered California Highway to Oakville, thence along California Highway 29 to Rutherford, thence along California Highway 128 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with California Highway 16, thence along California Highway 16 to its junction with California Highway 49, thence along California Highway 49 to its junction with California Highway 120 thence along California Highway 120 to its junction with U.S. Highway 395, thence along U.S. Highway 395 to its junction with California Highway 168; thence along California Highway 168 to the California-Nevada State line, to points in Maryland on and east of U.S. Highway 11. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–107295 (Sub-No. E 181), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Chesapeake, Va., (1) to points in Arizona, California, Nevada, New Mexico, and Utah (Truman, Ark.) *, (2) to points in Colorado (Fort Dodge, Iowa) *, and (3) to points in Idaho, Oregon, Washington and Wyoming (Kalamazoo, Mich.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–110525 (Sub-No. E288), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), from points in that part of Maryland on and east of Interstate Highway 81, to points in that part of North Carolina on and west of U.S. Highway 501. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E360), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as listed in Appendix XV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except bituminous products and materials), in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in that part of Tennessee on and east of U.S. Highway 25E. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–111545 Sub-No. E85), filed May 21, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, between points in that part of Iowa on and east of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 63 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction with Iowa Highway 51, thence along Iowa Highway 51 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction Iowa Highway 76, thence along Iowa Highway 76 to the Iowa-Minnesota State line, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of Hooper, Quincy, or East Dubuque, Ill.

No. MC–111545 (Sub-No. E86), filed May 22, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special

equipment, between points in that part of Pennsylvania located on and east of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 15 to junction Interstate Highway 81 thence along Interstate Highway 81 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Kansas on and south of the line beginning at the Missouri-Kansas State line, thence along U.S. Highway 54 to junction Kansas Highway 196, thence along Kansas Highway 196 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Kansas Highway 96, thence along Kansas Highway 96 to the Kansas-Colorado State line. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E88), filed May 22, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, from points in Delaware and Maine to points in that part of Colorado on, south, and west of a line beginning at the Colorado-Wyoming State line, thence along Interstate Highway 25 to Denver, thence along Interstate Highway 70 to Limon, thence along U.S. Highway 24 to the Colorado-Kansas State line. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Miami, Okla.

No. MC–111545 (Sub-No. E90), filed May 22, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Indiana on and north of U.S. Highway 30, on the one hand, and, on the other, points in that part of Missouri on, north, and west of a line beginning at the Illinois-Missouri State line, thence along U.S. Highway 54 to Jefferson City, thence along U.S. Highway 63 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Keokuk, Iowa.

No. MC–111545 (Sub-No. E91), filed May 22, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in Kansas, on the one hand, and, on the other, points in that part of Virginia on and south of a line beginning at the Virginia-West Virginia State line, thence along Virginia Highway 55 to Front Royal, thence along U.S. Highway 340 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 15, thence along U.S. Highway 15 to Opal, thence along U.S. Highway 17 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-Maryland State line. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Asheville, N.C.

No. MC–113651 (Sub-No. E2), filed May 10, 1974. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, from Denison, Iowa, to Louisville, Ky.

The purpose of this filing is to eliminate the gateway of Columbus, Ind.

No. MC–113651 (Sub-No. E5), filed May 10, 1974. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Armour and Company near Sterling, Ill., to Louisville, Ky., restricted to traffic originating at the plantsite of Armour and Company at or near Sterling, Ill. The purpose of this filing is to eliminate the gateway of Columbus, Ind.

No. MC–113651 (Sub-No. E6), filed May 10, 1974. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk, in tank vehicles), from the site of the plant of Iowa Beef Packers, Inc., located at or near Emporis, Kans., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Muncie, Ind.

No. MC–113651 (Sub-No. E8), filed May 10, 1974. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides, and commodities in bulk, in tank vehicles), from the plantsite of Armour and Company, near Worthington, Minn., to Louisville, Ky., restricted to shipments originating at the plantsite of Armour and Company near Worthington, Minn. The purpose of this filing is to eliminate the gateway of Columbus, Ind.

No. MC–113651 (Sub-No. E10), filed May 10 1974. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite of Swift and Company at or near Grand Island, Nebr., to Louisville, Ky., restricted to traffic originating at the plantsite of Swift and Company. The purpose of this filing is to eliminate the gateway of Columbus, Ind.

No. MC–113843 (Sub-No. E1), filed April 29, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products, and edible articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions In Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Wilson and Co., Inc., at or near Cherokee, Iowa, to points in that part of Virginia on and east of Interstate Highway 95 (including Accomack and Northampton Counties). The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E3), filed April 29, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from Vernon, Tex., to points in Connecticut, Delaware, Maine,

Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, the District of Columbia, and points in that part of Virginia, on, east, and north of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 250 to Richmond, thence along Virginia Highway 5 to junction Virginia Highway 156, thence along Virginia Highway 156 to junction Virginia Highway 10, thence along Virginia Highway 10 to junction Virginia Highway 32, thence along Virginia Highway 32 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–113843 (Sub-No. E9), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in that part of Tennessee on and west of Interstate Highway 65. The purpose of this filing is to eliminate the gateways of Elmira, N.Y., and Detroit, Mich. (via Canada).

No. MC–113843 (Sub-No. E21), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to Bristol, Va. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E30), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Hartford, Tolland, and Windham Counties, Conn., to Bristol, Va. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E69), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Tompkins County, N.Y., to points in that part of Kansas on and south of a line beginning at the Kansas-Missouri State line at or near Kansas City, and extending along U.S. Highway 24 to Manhattan, thence along Kansas Highway 18 to Junction City, thence along Interstate Highway 70 to junction Kansas Highway 25, thence north along Kansas Highway 25 to the Kansas-Nebraska State line; (2) from Oswego, N.Y., to points in that part of Kansas on, south, and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 283 to Dodge City, thence along U.S. Highway 50 to Garden City, thence along U.S. Highway 83 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Kansas Highway 25, thence along Kansas Highway 25 to the Kansas-Nebraska State line; (3) from Syracuse, N.Y. to points in that part of Kansas on and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 77 to Kansas Highway 18, thence along Kansas Highway 18 to Manhattan, thence along U.S. Highway 24 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line; (4) from Cortland, N.Y., to points in that part of Kansas on and south of a line beginning at the Kansas-Missouri State line and extending along Kansas Highway 126 to U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Colorado State line, and; (5) from Elmira, N.Y., to points in that part of Kansas on, south, and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 77 to junction Kansas Highway 96, thence along Kansas Highway 96 to Wichita, thence along U.S. Highway 81 to junction Interstate Highway 70 to Kansas Highway 25, thence along Kansas Highway 25 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC–113843 (Sub-No. E71), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Ma. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (a) from Dunkirk, Fredonia, and Silver Creek, N.Y., and points in Erie County, N.Y., to points in Delaware; (b) from points in Erie County, N.Y., to points in Maryland, Kentucky, and West Virginia; (c) from Chautauqua County, N.Y., to points in Kentucky; (d) from Chautauqua County, N.Y., to points in that part of West Virginia on and west of Interstate Highway 77. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–114312 (Sub-No. E1), filed May 31, 1974. Applicant: ABBOTT TRUCKING, INC., Route 3, Box 74, Delta, Ohio 43515. Applicant's representative: John P. McMahon, 100 E. Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, in containers, in bulk, in dump vehicles, from Ft. Wayne, Ind., to points in Ohio (except points on, north, and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to Columbus, thence along Ohio Highway 98 to Bucyrus thence along Ohio Highway 4 to Sandusky), (2) *Dry fertilizer*, in containers, in bulk, in dump vehicles, from Ft. Wayne, Ind., to points in Pennsylvania, New York, Maryland, New Jersey, and points in West Virginia on and west of U.S. Highway 21.

(3) *Dry chemical fertilizer*, from points in Ohio, on, east, and north of a line beginning at the junction of Toledo and U.S. Highway 20, thence along U.S. Highway 20 to its junction with U.S. Highway 250, thence along U.S. Highway 250 to the junction of U.S. Highway 250 and U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line to points in Indiana on and north of U.S. Highway 24, and points in Illinois on and north of U.S. Highway 24.

(4) *Chemical fertilizer, in bags*, from points in Ohio on and east of U.S. Highway 23, to points in Wisconsin (except Milwaukee, Madison, Green Bay, and Appleton), and points in Illinois on and north of Interstate Highway 80.

(5) *Chemical fertilizer*, in bags, from Joliet, Ill., to points in Pennsylvania and West Virginia.

(6) *Dry fertilizer, dry fertilizer material, and dry fertilizer ingredients*, from Joliet, Ill., to points in New York, Maryland, and New Jersey.

(7) *Chemical fertilizer*, in bags, from Whiteland, Ind., to points in Pennsylvania on and north of Interstate Highway 80.

(8) *Dry fertilizer and dry fertilizer ingredients*, from Whiteland, Ind., to points in New York, New Jersey, and points in Maryland on, east, and south of Interstate Highway 81. The purpose of this filing is to eliminate the gateways of Spencerville, Ohio, in proposal (1) above; Toledo, and Maumee, Ohio, in proposals (2), (6), and (8) above; and Toledo, Ohio, in proposals (3), (4), (5), and (7) above.

No. MC–119507 (Sub-No. E1), filed May 9, 1974. Applicant: CRAUN TRANSPORTATION, INC., Emma Street, Beltsville, Ohio 44815. Applicant's representative: Taylor C. Burneson, Suite 1680, 88 E. Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(A) *High temperature bonding mortar, limestone, and wasted dolomite*, (1) from the plant sites of Basic, Incorporated, at or near Maple Grove, Ohio, to points in Warren, Forest, Clarion, Indiana, Armstrong, Westmoreland, and Fayette Counties, Pa., points in those parts of McKean, Elk, Jefferson, Clearfield, Cambria, and Somerset Counties, Pa., on and west of U.S. Highway 219, Port Allegany, Pa., and points in New York (points in Sandusky County, Ohio)*, and (2) from the plant sites of Basic, Incorporated, at or near Maple Grove, Ohio, to points in Washington and Greene Counties, Pa., and points in that part of West Virginia on and west of U.S. Highway 219 (Broken Sword, Ohio)*.

(B) *Lime* (except in bulk), *limestone, and lime products,* from Woodville, Gibsonburg, and Genoa, Ohio, to points in Hancock, Brooke, Ohio, Marshall, Wood, Mason, Cabell, Putnam, and Kanawha Counties, W. Va. (Broken Sword, Ohio) *.

(C) *Lime,* in bulk, from Woodville, Gibsonburg, and Genoa, Ohio, (1) to points in Pennsylvania (except Port Allegany and points in Armstrong, Clarion, Fayette, Forest, Indiana, Warren, and Westmoreland Counties, and those parts of Cambria, Clearfield, Elk, Jefferson, McKean, and Somerset Counties west of U.S. Highway 219), and (2) to points in Hancock, Brooke, Ohio, Marshall, Wood, Mason, Putnam, Kanawha, Cabell, Berkeley, Jefferson, Morgan, Hampshire, Mineral, Grant, Hardy, and Pendleton Counties, W. Va., and those parts of Tucker, Randolph, Pocahontas, Greenbrier, and Monroe Counties, W. Va., east of U.S. Highway 219 (Maple Grove, Ohio, and points within 5 miles thereof) *.

(D) *Lime,* in bulk, (1) from Woodville and Genoa, Ohio, to points in Kentucky (except points in Campbell and Kenton Counties), and (2) from Gibsonburg, Ohio, to points in Kentucky (Maple Grove, Ohio, and points within 5 miles thereof) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–119777 (Sub-No. E20), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald Butler (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wooden pallets, wood skids, wooden boxes and crates, wooden baskets and lumber* (except plywood and hardwood flooring), from Worden, Ill., to (a) points in Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine; points in New York on, east, and south of a line beginning at the Pennsylvania-New York State line, thence north along New York Highway 17 to its intersection with New York Highway 8, thence along New York Highway 8 to its intersection with New York Highway 206, thence along New York Highway 206 to its intersection with New York Highway 30, thence along New York Highway 30 to its intersection with New York Highway 28, thence along New York Highway 28 to its intersection with U.S. Highway 9W, thence along U.S. Highway 9W to its intersection with U.S. Highway 9, thence along U.S. Highway 9 to its intersection with New York Highway 28, thence along New York Highway 28 to its intersection with New York Highway 30, thence along New York Highway 30 to the United States-Canada International Boundary line; points in Louisiana on, east, and south of a line beginning at the Mississippi-Louisiana State line, thence west along U.S. Highway 190 to its intersection with U.S. Highway 51, thence along U.S. Highway 51 to its intersection with U.S. Highway 61, thence along U.S. Highway 61 to its intersection with U.S. Highway 90, thence along U.S. Highway 90 to its intersection with Louisiana Highway 315, thence along Louisiana Highway 315 to the Gulf of Mexico; and points in West Virginia on and south of U.S. Highway 33; (b) points in Washington on and west of a line beginning at the United States-Canada International Boundary line, thence south along Washington Highway 21 to its intersection with U.S. Highway 395, thence along U.S. Highway 395 to the Washington-Oregon State line; points in Oregon on and west of U.S. Highway 395; points in California on and west of a line beginning at the Oregon-California State line, thence south along U.S. Highway 395 to its intersection with Interstate Highway 15, thence along Interstate Highway 15 to its intersection with Interstate Highway 5, thence along Interstate Highway 5 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateways of (1) Russellville, Ky., for (a) above, and (2) Cadiz, Ky., and Karnak, Ill., for (b) above.

No. MC–121454 (Sub-No. E1), filed May 8, 1974. Applicant: WALSH MESSENGER SERVICE, INC., 4 Third St., Garden City Park, N.Y. 11040. Applicant's representative: Richard F. Walsh, Jr. (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, audit and accounting media of all kinds, dental products, optical products, biological chemical specimens, and photographic film), between New York, N.Y., on the one hand, and, on the other, points in New Jersey (except those in Bergen, Hudson, Passaic, Morris, Essex, Union, Middlesex, and Somerset Counties, and that part of Monmouth County north of New Jersey Highway 33), points in Connecticut (except that part of Fairfield County east and south of a line beginning at Long Island Sound, thence along Connecticut Highway 58 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Connecticut-New York State line to Bridgeport and Danbury, Conn., points in Putnam, Dutchess, Columbia, Ulster, Sullivan, Albany, and Greene Counties, and that part of Orange County on and north of U.S. Highway 6 including Port Jervis and Middletown, N.Y.), restricted to the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, and (2) *General commodities* (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, optical products, biological chemical specimens, photographic film, dental products, and cash letters), between New York, N.Y., on the one hand, and, on the other, points in Massachusetts, Rhode Island, New York (except points in Rockland, Orange, Putnam, Dutchess, Columbia, Ulster, Sullivan, Albany, Greene, Nassau, Suffolk, and Westchester Counties, and New York City), Delaware, Pennsylvania, and Maryland, and the District of Columbia, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC–124078 (Sub-No. E28), filed May 23, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevetter (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petrochemicals, dry* (except sulphate), in bulk, in tank vehicles, from Atlanta, Ga., and points within 15 miles thereof, to points in North Carolina in and east of Caswell, Alamance, Chatham, Moore, and Richmond Counties, and points in South Carolina in, south, and east of Chesterfield, Kershaw, Fairfield, Newberry, Saluda, and Edgefield Counties. The purpose of this filing is to eliminate the gateway of Atlanta, Ga., and Augusta, Ga., and points in Richmond County, Ga., within 10 miles of Augusta, Ga.

No. MC–124078 (Sub-No. E29), filed May 23, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petrochemicals, liquid,* in bulk, in tank trucks, from Savannah, Ga., and points within 15 miles thereof to points in North Carolina in and west of Vance, Granville, Durham, Chatham, Randolph, Davidson, Rowan, Cabarras, and Mecklenburg Counties. The purpose of this filing is to eliminate the gateway of points in Richmond County, Ga.

No. MC–124078 (Sub-No. E30), filed May 23, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wisconsin 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Vegetable and animal oils and fats and edible blends thereof* (not including liquid chemicals), (1) from points in Tennessee (except Memphis), to points in Minnesota (except points in Lincoln, Pipestone, Rock, Lyon, Murray, Nobles, and Jackson Counties) and points in Wisconsin; and (2) from points in Tennessee in and east of Pickett, Fentress, Cumberland, Bledsoe, and Hamilton Counties, to points in Iowa in and north of Pottawattomie, Cass, Adair, Madison, War-

ren, Marion, Mahaska, Keokuk, Washington, and Louisa Counties, and points in Nebraska in and north of Perkins, Lincoln, Dawon, Buffalo, Hall, Merrick, York, Seward, Saunders, and Douglas Counties. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–126893 (Sub-No. E1), filed May 31, 1974. Applicant: BALTIMORE-WASHINGTON EXPRESS SERVICE, INC., 3601 Benson Avenue, Baltimore, Md. 21227. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M St. NW., Washington, D.C. 20036. 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, automobiles, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to lading), between Baltimore, Md., and points in Maryland within 6 miles thereof, on the one hand, and, on the other, the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Anne Arundel County, Md., within 6 miles of Baltimore. Md.

No. MC–127196 (Sub-No. E12), filed May 17, 1974. Applicant: KLINE TRUCKING INC., P.O. Box 355, Millville, Pa. 17846. Applicant's representative: James L. Kline (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and component parts used in the manufacture and assembly of mobile homes*, (1) from points in Louisiana, to points in that part of Pennsylvania east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Pennsylvania-Maryland State line, and points in that part of New York east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 19 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 21, thence along New York Highway 21 to junction U.S. Highway 15, thence along U.S. Highway 15 to Rochester; (2) from points in Arkansas to points in that part of Pennsylvania east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Pennsylvania-Maryland State line, and points in that part of New York east of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 14 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 15, thence along U.S. Highway 15 to Rochester; (3) from points in Kansas to points in that part of Pennsylvania east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Pennsylvania-Maryland State line, and points in that part of New York east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction New York Highway 13, thence along U.S. Highway 13 to Port Ontario; (4) from points in Missouri to points in that part of Pennsylvania east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Pennsylvania-Maryland State line and points in New York east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction New York Highway 13 near Pulaski, thence along New York Highway 13 to Port Ontario and (5) from points in Iowa to points in that part of Pennsylvania east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Pennsylvania-Maryland State line and points in that part of New York east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction New York Highway 13 near Pulaski, thence along New York Highway 13 to Port Ontario. The purpose of this filing is to eliminate the gateway of Millville, Pa.

By the Commission.

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

[FR Doc.74–15273 Filed 7–2–74;8:45 am]

[Notice No. 53]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 28, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100 247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

No. MC 989 (Sub-No. 21) (REPUBLICATION), filed April 9, 1973, and published in the FEDERAL REGISTER issue of May 24, 1973, and republished this issue. Applicant: IDEAL TRUCK LINES, INC., 912 North State, Norton, Kans. 67654. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. An Order of the Commission, Operating Rights Board, dated May 22, 1974, and served June 24, 1974, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Ogallala and Gering, Nebr., from Ogallala, over U.S. Highway 26 to Scottsbluff, Nebr., thence over Nebraska Highway 71 to Gering, and return over the same route, serving the intermediate points of Scottsbluff and Bridgeport, Nebr., and (2) between Bridgeport, Nebr., and Alliance, Nebr., over U.S. Highway 385; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 138054 (Sub-No. 1) (REPUBLICATION), filed October 1, 1973, and published in the FEDERAL REGISTER issue of November 29, 1973, and republished this issue. Applicant: CONDOR CONTRACT CARRIERS, INC., P.O. Box 1354, Garden Grove, Calif. 92642. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. An Order of the Commission, Operating Rights Board, dated May 23, 1974, and served June 21, 1974, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes (1) of *ornamental iron, plastic articles, vents, ventilators, ceiling grids, shutters, louvers, and parts and accessories* used in the sale and installation of the commodities named above (except commodities in bulk and commodities which because of size or weight require the use of special equipment), from

Madera, Calif., to points in Oregon, Washington, Nevada, Utah, Arizona, New Mexico, Idaho, Montana, Wyoming, and Colorado, and (2) of the *commodities* named in (1) above (except commodities in bulk and commodities which because of size or weight require the use of special equipment), from the plantsites of Leslie-Locke at Lodi, Ohio, Franklin Park, and Mt. Carroll, Ill., Tucker and Tifton, Ga., and Fort Worth, Tex., to the plantsite of Leslie-Locke, at Madera, Calif., with all service authorized above limited to a transportation service to be performed under a continuing contract or contracts with Leslie-Locke, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 11220 (Sub-No. 134) (NOTICE OF FILING OF PETITION TO REMOVE A RESTRICTION), filed May 14, 1974. Petitioner: GORDON TRANSPORTS, INC., P.O. Box 59, 185 W. McLemore Avenue, Memphis, Tenn. 38101. Petitioner's representative: Phineas Stevens, 700 Petroleum Building, P.O. Box 22567, Jackson, Miss. 39205. Petitioner holds a motor *common carrier* certificate in No. MC 11220 (Sub-No. 134), authorizing as pertinent, transportation, over regular routes, of *General Commodities* (except explosives and commodities requiring special equipment), Between Birmingham, Ala., and Cartersville, Ga., serving Gadsden, Ala., for purposes of joinder only, and serving all intermediate and off-route points within 15 miles of Birmingham and all intermediate and off-route points in that part of Georgia on and west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 41 to Atlanta, Ga., and thence along U.S. Highway 29 to the Georgia-South Carolina State line (except Atlanta, and points in Fulton, Douglas, Haralson, Cobb, De Kalb, Clayton, and Carroll Counties, Ga.: From Birmingham over U.S. Highway 11 to Gadsden, Ala., thence over U.S. Highway 411 to Cass, Ga., thence over U.S. Highway 41 to Cartersville, and return over the same route; restricted: (1) to the transportation of shipments between Birmingham and points within 15 miles thereof, on the one hand, and on the other, points in the described area, of Georgia; and (2) regular-route operations authorized above shall not be severable by sale or otherwise, from the irregular route described herein. By the instant petition, petitioner seeks to delete the restriction (1) above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before July 3, 1974.

No. MC–109326 (Sub-No. 86) (Notice of filing of petition to remove a restriction), filed May 30, 1974. Petitioner C & D TRANSPORTATION CO., INC., P.O. Box 10506, New Orleans, La. 70121. Petitioner's representative: Gerald E. Jessup, 919 18th Street NW., Washington, D.C. 20006. Petitioner holds a motor *common carrier* certificate in No. MC–109326 (Sub-No. 86) issued May 29, 1969, authorizing transportation, over regular routes, of *Perishable foods*, in vehicles equipped with mechanical refrigeration. Between New Orleans, La., and Mobile, Ala., serving all intermediate points and the National Aeronautics and Space Administration Test Site located at or near Santa Rosa, Miss., as an off-route point: From New Orleans over U.S. Highway 90 to Mobile, and return over the same route, restricted: (1) against the transportation of shipments originating at points in Florida and destined to New Orleans, La., and points between New Orleans, La., and Mobile, Ala., and (2) against the transportation of bananas between New Orleans, La., and Gulfport, Miss. By the instant petition, petitioner seeks to delete the restriction (1) above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before July 3, 1974.

No. MC 112713 (Sub-No. 107) (Notice of filing of petition to modify a territorial description), filed May 8, 1974. Petitioner: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Petitioner's representative: David B. Schneider (same address as petitioner). Petitioner holds a motor *common carrier* certificate in No. MC 112713 (Sub-No. 107) issued January 5, 1970, authorizing, as pertinent, transportation, over regular routes, of *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between St. Louis, Mo., and Kansas City, Mo., serving points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, as intermediate and off-route points: From St. Louis over U.S. Highway 40 to Kansas City, Mo., and return over the same route; (2) Between St. Louis, Mo., and Atlanta, Ga., serving the intermediate and off-route points of Alton, Belleville, and East St. Louis, Ill., Clarksville, Nashville, Murfreesboro, Manchester, Hillsboro, Monteagle, Jasper, Tyner, and Chattanooga, Tenn., points in Tennessee within 5 miles of Chattanooga, points in that part of Davidson County, Tenn., bounded by Old Hickory Boulevard (except Old Hickory, Dupontonia, and Madison Sanitarium, Tenn.), Rome, Lindale, and Rossville, Ga., and points within 15 miles of Atlanta, Ga., without restriction; Ringgold, Dalton, Calhoun, Cartersville, Acworth, Marietta, and Smyrna, Ga., restricted to southbound traffic; and Ferguson, Robertson, and Affton, St. Louis County, Mo., as off-route points, with service between Ferguson, Robertson, and Affton, on the one hand, and, on the other, Ringgold, Dalton, Calhoun, Cartersville, Acworth, Marietta, and Smyrna, Ga., restricted to southbound traffic only: From St. Louis across the Mississippi River to East St. Louis, Ill., thence over Illinois Highway 13 to Belleville, Ill., thence over Illinois Highway 15 to Mt. Vernon, Ill., thence over U.S. Highway 460 to junction Illinois Highway 142, thence over Illinois Highway 142 to junction Illinois Highway 13, thence over Illinois Highway 13 to Shawneetown, Ill., thence across the Ohio River to Blackburn, Ky., thence over Kentucky Highway 56 to junction Alternate U.S. Highway 41, thence over Alternate U.S. Highway 41 to junction U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, Ky. (also Mt. Vernon, Ill., over U.S. Highway 460 via McLeansboro, Ill., to Carni, Ill.), thence over Illinois Highway 1 to Crossville, Ill., thence over U.S. Highway 460 to Evansville, Ind., thence over U.S. Highway 41 to Hopkinsville, Ky., thence over Alternate U.S. Highway 41 to Nashville, Tenn., thence over U.S. Highway 41 via Chattanooga, Tenn., to Atlanta, and return over the same routes; and (3) From St. Louis to Chattanooga, Tenn., as specified above, thence over U.S. Highway 27 to Rome, Ga., thence over U.S. Highway 411 to junction U.S. Highway 41, thence over U.S. Highway 41 to Atlanta, and return over the same route. By the instant petition, petitioner seeks to modify its authority to permit northbound shipments from Calhoun, Dalton, and Ringgold, Ga. in (2) above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before July 3, 1974.

No. MC 134114 (Sub-No. 1) (Notice of filing of petition to add contracting shipper), filed April 29, 1974. Petitioner: NEBRASKA BEEF EXPRESS, INC., 8503 Geiler Street, Ralston, Nebr. 68127. Petitioner's representative: Arlyn L. Westergren, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Petitioner presently holds motor *contract carrier* authority in MC 134114 (Sub-No. 1), as authorized by transfer in MC–F–75000, approved March 14, 1974, and consummated April 15, 1974, authorizing transportation over irregular routes, of *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A & C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61

M.C.C. 209 & 766, from Omaha, Nebr., to points in Cook and DuPage Counties, Ill., Cedar Rapids and Waterloo, Iowa, and Milwaukee, Kenosha, Madison, and Green Bay, Wis., under a continuing contract or contracts with J. F. O'Neill Packing Company of Omaha, Nebr., and Union Packing Company of Omaha, Nebr., restricted against the transportation of hides for said Union Packing Co. By the instant petition, petitioner seeks to add Beefland International, Inc., as a contracting shipper, to the authority described above in MC 134114 (Sub-No. 1). Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before July 3, 1974.

No. MC–135787 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO ADD AN ADDITIONAL CONTRACTING SHIPPER), filed May 17, 1974. Petitioner: R. A. TENNANT TRUCKING, INC., 11620 60th NE., Lake Stevens, Wash. 98258. Petitioner's representative: George R. LaBissoniere, 130 Andover Park E., Seattle, Wash. 98188. Petitioner holds a motor *contract carrier* permit in No. MC–135787 (Sub-No. 1), issued November 8, 1973, authorizing transportation, over irregular routes, of *Plumbing and heating fixtures, equipment, supplies, and accessories*, from San Pablo, Stockton, Torrance, and City Of Industry, Calif., to points in that part of Oregon on and west of U.S. Highway 97, and to points in Washington, under a continuing contract, or contracts, with American Standard, Inc., of New Brunswick, N.J. By the instant petition, petitioner seeks to add Norris Industries, of City Of Industry, Calif., as an additional contracting shipper to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before July 3, 1974.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 13123 (Sub-No. 74), filed June 17, 1974. Applicant: WILSON FREIGHT COMPANY, a Corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Class A and B explosives, household goods as defined by the Commission and commodities in bulk), between Springfield, Ohio, on the one hand, and, on the other, all points in Ohio.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Springfield, Ohio, to provide service between Ohio, on the one hand, and, on the other, points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and in Sub 42 at Masury, Ohio (a point within the commercial zone of Sharon, Pa.) for the transportation of iron and steel articles to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. This is a matter directly related to the Section 5 proceeding in MC–F–12243 published in the FEDERAL REGISTER issue of June 26, 1974. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 139906, filed May 17, 1974. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 265 West 2700 South, Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Petersen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Playground apparatus;* (2) *laundry clothes lines, umbrella type, laundry clothes line poles, laundry carts, and ironing caddies;* (3) *sleds, chalkboard desks, bulletin boards, chalkboards, tracing boards, flannel boards; and* (4) *parts, accessories, and attachments* of playground apparatus and of the items described in (2) and (3) above, *bar stools and toys and games*, from the plantsite of Turco Manufacturing Company located at DuQuoin, Ill., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the above-named plantsite.

NOTE.—Applicant holds contract carrier authority in MC–134599 and subs thereto, therefore dual operations may be involved. Applicant seeks to acquire contract carrier permits issued to Siefert Bros. Trucking Co., Inc., in MC–126222 and convert these permits to Certificates of Public Convenience and Necessity. This is a matter directly related to the Section 5 proceeding in MC–F–12200 published in the FEDERAL REGISTER issue of May 31, 1974. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah, or St. Louis, Mo.

No. MC–F–12245. Authority sought for purchase by CENTRAL OZARK BUSLINES, INC., 704 Salem Ave., Rolla, MO 65401, of a portion of the operating rights and property of (1) AMERICAN BUSLINES, INC., P.O. Box 730, Wichita, KS 67201, and of the operating rights and property of (2) WILLIAMS BUS LINES, Box 185, Waynesville, MO 65583, and for acquisition by H. E. NICKELS, also of Waynesville, MO 65583, of control of such rights and property through the purchase. Applicants' attorney: C. Zimmerman, P.O. Box 730, Wichita, KS 67201. Operating rights sought to be transferred: (1) Passengers and their baggage, express and newspapers in the same vehicle with passengers, as a common carrier over regular routes, between Salem, and Cabool, Mo., serving all intermediate points, between Salem, and Cuba, Mo., serving the intermediate points of Howes, Sligo Junction, Cherryville, and Steelville, Mo., between St. Clair, and St. Louis, Mo., serving the intermediate points of junction Supplementary Missouri Highway K and Missouri Highway 30, junction Supplementary Missouri Highway B and Missouri Highway 30, Lonedell, Cedar Hiss, House Springs, High Ridge, and Fenton, Mo., and (2) Under a certificate of registration, in Docket No. MC–120457 (Sub-No. 1), covering the transportation of passengers, in intrastate commerce within the State of Missouri; passengers and their baggage, express, newspapers, and mail in the same vehicle with passengers, as a common carrier over regular routes, between Newburg, Mo., and the U.S. Army Training Center, Fort Leonard A. Wood, Mo., between Rolla, Mo., and the U.S. Army Training Center, Fort Leonard A. Wood, Mo., serving all intermediate points. Vendee is not a motor carrier. However, HARVEY E. NICKELS controls transferee and also owns a portion of WILLIAMS BUS LINES, a partnership, transferor. Owners of WILLIAMS BUS LINES also own all stock of transferee. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12246. Authority sought for purchase by RYDER TRUCK LINES, INC., 2050 Kings Rd., Jacksonville, FL 32203, of a portion of the operating rights and property of ALTERMAN TRANSPORT LINES, INC., 12805 NW. 42d Ave., Opa-Locka, FL 33054, and for acquisition by IU TRANSPORTATION SERVICES, INC., The Wilmington Tower, 1105 N. Market St., Wilmington, DE 19801, which, in turn, is controlled by IU INTERNATIONAL CORPORATION, also of Wilmington, DE 19801, of control of such rights through the purchase. Applicants' attorneys: Roland Rice, 618 Perpetual Bldg., Washington, DC 20004, H. Beatty Chadwick, 1500 Walnut St., Philadelphia, PA 19102, and Harold P. Boss, 1100 17th St. NW., Washington, DC 20036. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over regular routes, between Charlotte, N.C., and Jacksonville, Fla., between Charlotte, N.C., and Orlando, Fla., between Charlotte, N.C., and Tampa, Fla., between Charlotte, N.C., and Miami, Fla., between Ocala and Key West, Fla., between Ocala, and Key West, Fla., between Charlotte, N.C., and Pensacola, Fla., between Charlotte, N.C., and Tallahassee, Fla., between Dallas, Tex., and

Pensacola, Fla., serving no intermediate points, but serving Fort Worth, Tex., as an off-route point, with restriction. Vendee is authorized to operate as a common carrier in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210 a(b).

No. MC–F–12247. Authority sought for purchase by BRIGGS TRANSPORTATION CO., 2360 West County Road "C", St. Paul, MN 55113, of the operating rights and property of PRANGE, INC., 443 E. Miller St., Des Moines, IA 50315, and for acquisition by GEORGE E. BRIGGS and MICHAEL P. WARDWELL, also of St. Paul, MN 55113, of control of such rights and property through the purchase. Applicants' attorney: Einar Viren, 904 City National Bank Bldg., Omaha, NE 68102. Operating rights sought to be transferred: *General commodities,* excepting among others, explosives, livestock, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Pleasantville and Des Moines, Iowa, between Des Moines and Williamson, Iowa, between junction Iowa Highways 60 and 181 and Gosport, Iowa, between the junction of Iowa Highways 14 and 253, and Chariton, Iowa. Vendee is authorized to operate as a *common carrier* in Iowa, Illinois, Colorado, Minnesota, Nebraska, Wisconsin, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12248. Authority sought for control by BECKER AND SONS, INC., Box 1050, 2643 W. Central, El Dorado, KS 67042, of PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, NE 68327, and for acquisition by FRANK J. BECKER, also of El Dorado, KS 67042, of control of PEAKE TRANSPORT SERVICE, INC., through the acquisition by BECKER AND SONS, INC. Applicants' attorneys: Rodney Peake, Box 366, Chester, NE 68327, and T. M. Brown, 600 Leininger Bldg., Oklahoma City, OK 73112. Operating rights sought to be controlled: *certain specified commodities,* as a *common carrier,* over regular and irregular routes, from, to, and between specified points in the States of Nebraska, South Dakota, Iowa, Missouri, Illinois, Kansas, Oklahoma, Minnesota, North Dakota, Wisconsin, Arkansas, Indiana, Michigan, Texas, Wisconsin, Wyoming, Kentucky, Ohio, Tennessee, and Colorado, with certain restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC–1641 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. BECKER AND SONS, INC., is authorized to operate as a *common carrier* in Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Carolina, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12249. Authority sought for purchase by BRIGGS TRANSPORTATION CO., 2360 West County Road C, St. Paul, MN 55113, of the operating rights of BURLINGTON CHICAGO CARTAGE, INC., 604 N. Tremont Street, Kewanee, IL 61443, and for acquisition by BEORGE E. BRIGGS and MICHAEL P. WARDWELL, both of 2360 W. County Road C., St. Paul, MN 55113, of control of such rights through the purchase. Applicants' attorneys: David Axelrod, 39 South LaSalle St., Chicago, IL 60603, and D. J. McRae, 217 West Second Street, Kewanee, IL 61445. Operating rights sought to be transferred: *General Commodities* as a *common carrier,* over regular routes, with exceptions, serving certain off-route points with restrictions between Keokuk, Iowa, and Chicago, Ill., serving the intermediate and off-route points of Muscatine, Burlington, Fort Madison, Ottumwa, Mount Pleasant, and Fairfield, Iowa, Galva, Monmouth, Galesburg, Kewanee, Princeton, Forest Park, Calumet City, and Cicero, Ill., Hammond, Whiting, and East Chicago, Ind.; *Wire, wire products,* and *iron* and *steel fence costs,* as a *common carrier,* over irregular routes, from Peoria, Ill., to Burlington, Iowa; *burial vaults,* and *damaged burial vaults* on return from Burlington, Iowa, to Omaha, Columbus, Fremont, Lincoln, and Wahoo, Nebr.; *livestock,* between points in Des Moines, Henry and Lee Counties, Iowa, and points in that part of Louisa County, Iowa, south of the county road between Wapello and Wyman, Iowa, on the one hand, and, on the other, Chicago and Peoria, Ill., and points in Henderson County, Ill.; *general commodities,* with exceptions between Burlington, Iowa, on the one hand, and, on the other, The Iowa Ordnance Plant near West Burlington, Iowa, between Galesburg and Kewanee, Ill., on the one hand, and, on the other, Avon and Beardstown, Ill., and points in Bureau, Henry, Stark, Knox, Mercer, Warren, McDonough, and Schuyler Counties, Ill. Vendee is authorized to operate as a common carrier in Iowa, Illinois, Colorado, Minnesota, Nebraska, Wisconsin, and Wyoming. Application has been filed for temporary authority under Section 210a(b).

No. MC–F–12250. Authority sought for purchase by LOVELACE TRUCK SERVICE, INC., 2225 Wabash Ave., Terre Haute, IN 47807, of the operating rights and property of ATKINSON LINES, INC., 11 Heid Ave., Dayton, OH 45404, and for acquisition by MAYNARD F. NIEMEYER, R.R. 3, West Terre Haute, IN 47885, of control of such rights and property through the purchase. Applicants' attorney: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–120247 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Ohio. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Iowa, Missouri, Michigan, Minnesota, Kentucky, Ohio, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC–151 (Sub-No. 53), is a matter directly related.

No. MC–F–12251. Authority sought for control by WAREHOUSE INVESTMENT COMPANY, 1991 Dennison Street, Oakland, CA 94606, of KERN VALLEY TRUCKING, 3901 Medford Street, Los Angeles, CA 90063, and for acquisition by S. M. HASLETT III., DON HASLETT, and DORIS H. GOODMAN, all of Oakland, CA 94606, of control of KERN VALLEY TRUCKING, through the acquisition by WAREHOUSE INVESTMENT COMPANY. Applicant's attorneys: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, CA 94111, and R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Operating rights sought to be controlled: Under a certificate of registration, in Docket No. MC–120918 Sub 1, covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of California. Vendee has no authority of his own, but is affiliated with Haslett Company who has authority in Docket No. MC 73826 et al., to operate as a common carrier in California. Application has not been filed for temporary authority under section 210a(b).

NOTE.—This application is directly related to an application filed concurrently herewith, whereby Kern Valley Trucking requests authority to acquire the operating authority of Haslett Company, assigned Docket No. MC–F–12251.

No. MC–F–12252. Authority sought for purchase by KERN VALLEY TRUCKING, 3901 Medford St., Los Angeles, CA 90063, of the operating rights of HASLETT COMPANY, 1991 Dennison St., Oakland, CA 94606, and for acquisition by JAMES L. CHASE, 9156 Camino Real, San Gabriel, CA 91175, and BLANCHE E. CHASE, 432 No. Monterey, Alhambra, CA 91801, of control of such rights through the purchase. Applicants' attorneys: Marvin Handler, 100 Pine St., Suite 2550, San Francisco, CA 94111, and R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Operating rights sought to be transferred: *General commodities,* excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Sacramento and Pollock Pines, Calif., serving all intermediate points east of Clarksville, Calif., including Clarksville; and the offroute points of Eldorado and Diamond Springs, Calif., between Sacramento and Jackson, Calif., serving various intermediate points; *general commodities,* excepting among others, dangerous explosives, household goods, and

commodities in bulk over irregular routes, between San Francisco and points and places in San Francisco County, Calif., between Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont, Calif., between points in Alameda, Contra Costa, Sacramento, San Francisco, San Joaquin, Santa Clara, Solano, Stanislaus, and Yolo Counties, Calif., with restriction, and under a certificate of registration in Docket No. MC-73826 (Sub-No. 3), covering the transportation of general commodities, as a *common carrier*, in interstate commerce, within the State of California. Vendee is authorized to operate as a common carrier in California. Application has not been filed for temporary authority under Section 210a(b).

NOTE.—This application is directly related to an application filed concurrently herewith, whereby Warehouse Investment Company requests authority to acquire control of Kern Valley Trucking, assigned Docket No. MC-F-12251.

No. MC-F-12253. Authority sought for purchase by VALLERIES TRANSPORTATION SERVICE, INC., Connecticut Ave., Norwalk, CT 06850, of a portion of the operating rights of STARLITE DELIVERY SERVICE, INC., Linnet St., Bayonne, NJ 07002, and for acquisition by JOHN E. VALLERIE, SR., Indian Spring Rd., Rowayton, CT 06893, ALBERT E. VALLERIE, SR., Wolfpit Rd., Norwalk, CT 06854, and STANLEY E. DABROWSKI, 41 Canterbury Lane, Wilton, CT 06897, of control of such rights through the purchase. Applicants' attorney: Thomas W. Murrett, 342 No. Main St., W. Hartford, CT 06117. Operating rights sought to be transferred: *General commodities*, with the usual exceptions, as a *common carrier* over regular routes, between New York, N.Y., and Atlantic City, N.J., serving various intermediate and off-route points; *general commodities*, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, Baltimore, Md., Atlantic City, Ocean County, and Roebling, N.J., and points and places in Philadelphia, Chester, and Delaware Counties, Pa. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, New Jersey, and New York. Application has not been filed for temporary authority under section 210a(b).

Notice is hereby given that on June 11, 1974, the Canadian Pacific Limited filed an application under Section 5(2) of the Interstate Commerce Act for authority to acquire a line of railroad of the Maine Central Railroad Company between Mattawamkeag and Vanceboro, Maine. This application has been assigned Finance Docket No. 27671.

On the same date, the Maine Central Railroad Company filed an application under Section 5(2) of the Interstate Commerce Act for approval of an agreement with the Canadian Pacific Limited to acquire trackage rights over the foresaid line of railroad, a distance of 56.7 miles, all within the State of Maine. This application is identified as Finance Docket No. 27672.

The Canadian Pacific Limited is located at Windsor Station, Montreal, Quebec H3C 3E4, and is represented by Mr. Lee A. Monroe, Sidley & Austin, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

The Maine Central Railroad Company's address is 242 St. John Street, Portland, Maine 04102, and is represented by Mr. Peter J. Nickles, Covington & Burling, 888 Sixteenth Street NW., Washington, D.C. 20006.

The line of railroad involved in these applications commences at the International Boundary 0.3 mile back of the present Maine Central Railroad Company at Vanceboro, Maine, and extends in a westerly direction approximately 56.7 miles to the east boundary of the Military Road crossing at garde at Mattawamkeag, Maine. The effect of the proposed transactions is that there will be no change in rail service.

The applicants, Canadian Pacific Limited and the Maine Central Railroad Company, have reached similar conclusions that these applications will not involve a major federal action significantly affecting the quality of the human environment. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission on or before July 3, 1974.

GEORGETOWN RAILROAD COMPANY, INC., P.O. Box 529, Georgetown, Texas 78626, represented by Mr. W. P. Ludwig, Jr., President, of the same address, hereby gives notice that an application assigned Finance Docket No. 27674 has been filed with the Interstate Commerce Commission, seeking authority under Paragraph (2) of Section 5 of the Interstate Commerce Act, to acquire by purchase 27.8 miles of the line of railroad now owned by Missouri-Kansas-Texas Railroad Company between Milepost 923.71 at Georgetown, Texas, and Milepost 951.5 at Austin, Texas, in Williamson and Travis Counties, Texas, in order to continue railroad operations over said line. In the opinion of the applicant, the authority sought will have no significant effect upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act* of 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Parte (b)(1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission on or before July 3, 1974.

Notice is given that Weyerhaeuser Company has filed with the Interstate Commerce Commission an application under Section 5(2) of the Interstate Commerce Act for authority to acquire control of Oregon, California and Eastern Railway Company, a carrier subject to Part I of that Act, assigned F.D. 27676.

The name and address of applicant are Weyerhaeuser Company, Tacoma, Washington 98401. The names and addresses of applicant's attorneys are Robert A. Dowdy, Weyerhaeuser Company, Tacoma, Wash. 98401, and Charles J. McCarthy, Belnap, McCarthy, Spencer, Sweeney and Harkaway, 1750 Pennsylvania Ave. NW., Washington, D.C. 20006.

The lines of the carrier proposed to be controlled are located in the State of Oregon and extend some 65 miles between Klamath Falls and Bly. The proposed control is through acquisition of all of the outstanding capital stock of that carrier which is presently owned by Southern Pacific Transportation Company and Burlington Northern, Inc.

In the opinion of the applicant, the Commission action will not result in an effect on the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 55), *Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission on or before July 3, 1974.

Notice is given that Oregon, California and Eastern Railway Company (O.C. & E.), has filed with the Interstate Commerce Commission an application under Section 5(2) of the Interstate Commerce Act for authority to acquire trackage rights at Klamath Falls, Oregon, over the following railroad lines of Burlington Northern, Inc. (B&N), and Southern

Pacific Transportation Company (SP), F.D. 27677.

Line of BN extending southerly 5,723 feet from connection with O.C. & E. over yard trackage to its main track at Milepost 1.04 and thence northwesterly 5,477 feet to main track of SP at its Milepost 427.57;

Line of BN extending northerly 14,200 feet from connection with private trackage of Weyerhaeuser Company through Whiteline Yard and easterly to main track of SP;

Line of SP extending 1,532 feet between aforesaid lines of BN.

The name and address of applicant are Oregon, California and Eastern Railway Company, 800 Pacific Building, Portland, Oreg. 97204. The name and address of applicant's attorney are Charles W. Burkett, One Market Street, San Francisco, California 94105.

In the opinion of the applicant, the Commission action will not result in an effect on the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation—Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission on or before July 3, 1974.

By the Commission.

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

[FR Doc.74-15274 Filed 7-2-74;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—JULY

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

4 CFR — Page
10 — 24345

5 CFR
213 — 24350, 24351
713 — 24351

6 CFR
601 — 24501
PROPOSED RULES:
Ch. I — 24378

7 CFR
58 — 24511
246 — 24217
401 — 24218
631 — 24218
706 — 24352
905 — 24512
908 — 24512
944 — 24513
989 — 24218
1040 — 24357
1137 — 24513
1427 — 24357
1822 — 24218
PROPOSED RULES:
27 — 24375
52 — 24515
946 — 24234
1701 — 24375

8 CFR
214 — 24219

10 CFR
2 — 24219
211 — 24357
212 — 24358
Ruling — 24359

12 CFR — Page
207 — 24220
220 — 24220
221 — 24220
225 — 24220
528 — 24359
563c — 24220
572 — 24220
PROPOSED RULES:
204 — 24243
541 — 24242
545 — 24242, 24518
563 — 24518

14 CFR
39 — 24501, 24502
75 — 24502
288 — 24502
373 — 24224
PROPOSED RULES:
21 — 24236
73 — 24238
75 — 24238
201 — 24517
211 — 24517
221 — 24517
241 — 24238
261 — 24517
293 — 24517
298 — 24517
302 — 24517
312 — 24517
399 — 24517

17 CFR
239 — 24360
249 — 24360
PROPOSED RULES:
1 — 24235
210 — 24379
240 — 24520

20 CFR — Page
PROPOSED RULES:
405 — 24464

21 CFR
8 — 24503
9 — 24503
121 — 24503
146b — 24360
PROPOSED RULES:
135 — 24516

24 CFR
1276 — 24588
1914 — 24232–24233
PROPOSED RULES:
275 — 24377

29 CFR
1926 — 24360
PROPOSED RULES:
1952 — 24376

30 CFR
55 — 24316
56 — 24317
57 — 24319

32 CFR
920 — 24361

32A CFR
OPR-4 — 24224

33 CFR
110 — 24361
PROPOSED RULES:
110 — 24378

36 CFR
7 — 24230

37 CFR Page

PROPOSED RULES:

1 24375

38 CFR

PROPOSED RULES:

1 24380

39 CFR

3002 24230

PROPOSED RULES:

123 24244

124 24244

40 CFR

52 24504

180 24505

PROPOSED RULES:

52 ..... 24241, 24378

80 24617

120 24517

201 24580

85 24379

418 24489

41 CFR Page

5A–1 24362

7–30 24363

101–25 24505

Ch. 103 24506

42 CFR

52 24231

55a 24363

56a 24303

45 CFR

190 24472

410 24366

PROPOSED RULES:

190 24481

46 CFR Page

511 24506

PROPOSED RULES:

531 24519

536 24520

47 CFR

11 24370

13 24370

21 24372

73 ..... 24371, 24373

74 24372

76 24372

PROPOSED RULES:

76 24379

49 CFR

1033 ..... 24373, 24374, 24507–24510

1125 24294

50 CFR

32 24374

FEDERAL REGISTER PAGES AND DATES—JULY

Pages	*Date*
24211–24338	July 1
24339–24491	2
24493–24617	3

federal register

WEDNESDAY, JULY 3, 1974

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

RAILROAD NOISE EMISSION STANDARDS

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 201]

RAILROAD NOISE

Proposed Emission Standards

Pursuant to section 17 of the Noise Control Act of 1972, Public Law 92-574 (86 Stat. 1234), the Administrator of the Environmental Protection Agency proposes to establish a new part 201 of Title 40 of the Code of Federal Regulations establishing noise emission regulations for surface carriers engaged in interstate commerce by railroad.

I. BASIS OF THE PROPOSED REGULATIONS

A. *Statutory authority.* In section 2 of the Noise Control Act, Congress expressed its judgment "that, while primary responsibility for control of noise rests with State and local governments, Federal action is essential to deal with major noise sources in commerce control of which requires national uniformity of treatment." As a part of this essential Federal action, section 17 requires the Administrator to publish proposed noise emission regulations which "shall include noise emission standards setting such limits on noise emission resulting from operation of the equipment and facilities of surface carriers engaged in interstate commerce by railroad which reflect the degree of noise reduction achievable through the application of the best available technology, taking into account the cost of compliance." After the effective date of a regulation under section 17, applicable to noise emissions resulting from the operation of any equipment or facility of a surface carrier engaged in interstate commerce by railroad, no State or political subdivision thereof may adopt or enforce any standard applicable to noise emissions resulting from the operation of the same equipment or facility of such carrier unless such standard is identical to a standard applicable to noise emissions resulting from such operation prescribed by these regulations. The Administrator, after consultation with the Secretary of Transportation may, however, determine that the State or local standard, control, license, regulation, or restriction is necessitated by special local conditions and is not in conflict with regulations promulgated under section 17. Procedures for State and local governments to apply under section 17(c)(2) of the Act will be published by this Agency concurrent with, or shortly after, promulgation of final section 17 regulations.

These sections of the Noise Control Act reflect the desire of Congress to protect both the environment and commerce through the establishment of uniform national noise emission regulations for the operation of interstate railroad equipment and facilities which require national uniformity of treatment in order to facilitate interstate commerce. Such treatment is requisite for those types of interstate railroad equipment and facilities whose operation would be burdened by conflicting State and local noise controls. Preemption under section 17 occurs only for State or local noise regulations on equipment and facilities on which Federal regulations are in effect. Section V of this preamble discusses the preemptive effect of these proposed regulations in greater detail.

Where national uniformity of treatment is not needed, Congress recognizes the primary responsibility of State and local governments to protect the environment from noise. State and local regulations on noise emissions resulting from the operation of equipment and facilities of surface carriers engaged in interstate commerce by railroad, which are not preempted by applicable Federal regulations under section 17, are subject to the Commerce Clause of the U.S. Constitution. Under that Clause, any State or local regulations which constitute an undue burden on interstate commerce are invalid.

B. *Statutory requirements for the proposed regulation.* Federal regulations on interstate railroad equipment and facilities under section 17 are to include noise emission standards setting such limits on noise emissions resulting from their operation which reflect the degree of noise reduction achievable through the application of the best available technology, taking into account the cost of compliance. Based upon the strict language of the Noise Control Act, its legislative history, and other relevant data, these requirements can be further clarified as follows:

"Best available technology" is that noise abatement technology available for application to equipment and facilities of surface carriers engaged in interstate commerce by railroad which produces meaningful reduction in the noise produced by such equipment and facilities. "Available" is further defined to include:

1. Technology which has been demonstrated and is currently known to be feasible.

2. Technology for which there will be a production capacity to produce the estimated number of parts required in reasonable time to allow for distribution and installation prior to the effective date of the regulation.

3. Technology that is compatible with all safety regulations and takes into account operational considerations including maintenance, and other pollution control equipment.

"Cost of compliance" is the cost of identifying what action must be taken to meet the specified noise emission level, the cost of taking that action, and any additional cost of operation and maintenance caused by that action.

Regulations under section 17 are to be promulgated only after consultation with the Secretary of Transportation in order to insure appropriate consideration for safety and technological availability; and are to take effect after such period as the Administrator finds necessary, after consultation with the Secretary of Transportation, to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period. Final regulations are to be promulgated within 90 days after publication of the proposed regulations and may be revised from time to time in accordance with subsection 17(a)(2) of the Noise Control Act. These regulations under section 17 of the Noise Control Act shall be in addition to any regulations that may be proposed under section 6 of the Act.

Section 17(b) of the Noise Control Act requires the Secretary of Transportation, after consultation with the Administrator, to promulgate regulations to insure compliance with all standards promulgated by the Administrator under section 17. The Secretary of Transportation shall carry out such regulations through the use of his powers and duties of enforcement and inspection authorized by the Safety Appliance Act, the Interstate Commerce Act, and the Department of Transportation Act. Regulations promulgated under section 17 shall be subject to the provisions of sections 10, 11, 12 and 16 of the Noise Control Act.

II. DEVELOPMENT OF THE PROPOSED REGULATIONS

A. *General.* In order to develop regulations which fulfill these criteria, the Administrator undertook a study of railroad noise. On February 1, 1973, an advanced notice of proposed rule making on interstate rail carrier noise emission standards was published in the FEDERAL REGISTER soliciting public comment (38 FR 3086, February 1, 1973). The docket established as a result of this action is maintained at the EPA headquarters, 4th & M Streets SW., Washington, D.C. 20460, and also at the EPA Regional Headquarters at 17355 Baltimore Avenue, Kansas City, Missouri 46189, and 100 California Street, San Francisco, California 94111. A task force of Federal, State and local government representatives was convened to develop recommendations to EPA for the scope and content of Federal interstate railroad noise emission regulations. The information prepared for the EPA's 1971 Report to the President and Congress on Noise was reviewed. EPA staff, task force, and consultants gathered and analyzed technical information from other sources, and additional data was acquired in areas where there was little or no existing information. All of this information, which is summarized briefly below, is open for public inspection at the Office of Noise Abatement and Control of EPA, Room 1108, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia. A Background Document/Environmental Explanation giving a more detailed explanation of the technical basis for the regulations is available from the Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

B. *Types of equipment and facilities of interstate railroads considered for regulation.* Many railroad noise problems

can best be controlled by measures which do not require national uniformity of treatment to facilitate interstate commerce at this time. The network of railroad operations is imbedded into every corner of the country, including rights-of-way, spurs, stations, terminals, sidings, marshaling yards, maintenance shops, etc. Protection of the environment for such a complex and pervasive industry is not simply a problem of modifying noisy equipment, but get down into the minutiae of countless daily railroad operations at thousands of locations across the country. The environmental impact of a given railroad operation will vary depending on whether it takes place, for example, in a desert or adjacent to a residential area. For this reason, EPA believes that State and local authorities are better suited than the Federal government to consider fine details such as the addition of sound insulation or noise barriers to particular facilities, or the location of noisy railroad equipment within those facilities as far as possible from noise-sensitive areas, etc. There is no indication, at present, that differences in requirements for such measures from place to place impose any significant burden upon interstate commerce. At this time, therefore, it appears that national uniformity of treatment of such measures is not needed to facilitate interstate commerce and would not be in the best interest of environmental protection.

The national effort to control noise has only just begun, however; and it is inevitable that some presently unknown problems will come to light as the effort progresses. Experience may teach that there are better approaches to some aspects of the problem than those which now appear most desirable. The situation may change so as to call for a different approach. Section 17 of the Noise Control Act clearly gives the Administrator of the Environmental Protection Agency authority to set noise emission standards on the operation of all types of equipment and facilities of interstate railroads. If in the future it appears that a different approach is called for, either in regulating more equipment and facilities, or fewer, or regulating them in a different way or with different standards consistent with the criteria set forth in section 17, these regulations will be revised accordingly.

The Administrator has considered the following broad categories of railroad noise sources in order to identify those types of equipment and facilities which require national uniformity of treatment through Federal noise regulations to facilitate interstate commerce:

1. *Office buildings.* Many, if not all, surface carriers engaged in interstate commerce by railroad own and operate office bulidings. These buildings are technically "facilities" of the carriers. Like all office buildings, they may emit noise from their air conditioning and mechanical equipment. But since each building is permanently located in only one jurisdiction and is potentially subject only to its regulations, it is not affected in any significant way by the fact that different jurisdictions may impose different standards on noise emissions from the air conditioning and mechanical equipment of other buildings. At this time, there appears to be no need for national uniformity of treatment of these facilities, and they are therefore not covered by these proposed regulations.

2. *Repair and maintenance shops.* Railroad repair and maintenance shops are similar in many ways to many non-railroad industrial facilities such as machine shops, foundries, and forges. All such facilities can reduce their noise impact on the surrounding community by a variety of measures including reduction of noise emissions at the source, providing better sound insulation for their buildings, erecting noise barriers, buying more land to act as noise buffer, scheduling noisy operations at times when their impact will be least severe, or simply moving noisy equipment to locations more remote from adjoining property. Such detailed and highly localized environmental considerations are best handled by local authorities. Like office buildings, shops are permanently located in only one jurisdiction and thus are not potentially subject to differing or conflicting noise regulations of other jurisdictions. At this time, therefore, there appears to be no need for national uniformity of treatment of these facilities, and they are not covered by these proposed regulations.

At times, railroad maintenance shops may contain major noise sources which do require national uniformity of treatment, such as locomotives. But the fact that some such individual noise sources within a shop may be subject to Federal noise emission regulations is irrelevant to the validity of State or local noise emission regulations applied to the shop as a whole, as long as the State or local regulation on the shop can reasonably be complied with without physically affecting the Federally regulated noise source within the shop (for example, by installing sound insulation in the shop building). This will be discussed further in the section on preemption below.

3. *Terminals, marshaling yards, humping yards.* Like office buildings and shops, railroad terminals and yards are permanent installations which are normally subject to the environmental noise regulations of only one jurisdiction. Noise emissions from terminals and yards can also be reduced by many measures that do not require national uniformity of treatment, and that can best be handled by local environmental authorities. These include measures such as building noise barriers around noise sources such as retarders, acquiring land to act as a noise buffer, locating noisy equipment as far as possible from adjacent noise-sensitive property, and reducing the volume of loudspeaker systems or replacing them with two-way radios. At this time, there appears to be no need for national uniformity of treatment of these facilities; and they are not covered by the proposed regulations.

Some noise sources in railroad yards may at some point require national uniformity of treatment through Federal noise regulations, even though such sources may be permanently physically located in a yard. Such a circumstance could be occasioned because of the noise sources' intimate relationship to the movement of railroad trains. Rail car retarding operations in humping and marshaling yards, for example, produce individual peak noise levels of up to 120 dB(A) at 100 feet. Such retarding operations are an integral part of the movement of railroad trains. The Background Document to these proposed regulations discusses a number of measures now being investigated which may make it technologically and economically feasible to control this noise at its source, i.e., the retarder. Such measures include lubrication of retarder beams, changes in the composition or design of the beams, and changes in the method of application of retarding force. At this time, however, it is the Agency's position that retarder noise is an element of fixed facility railroad yard noise which, as such, can best be controlled by measures which do not in themselves affect the movement of trains and therefore do not require national uniformity of treatment. Such noise control measures might include, for example, the erection of noise barriers. The Agency's study of railroad yard noise indicates that concern for noise from railroad yards is more local than national. This is due in large part to the location of a number of yards in non-urban areas and the relatively small number of hump yards. Accordingly, the establishment of a uniform national standard could potentially incur significant costs to the railroads with only limited environmental impact resulting in terms of population relief from undesirable noise levels. However, because of the high levels of noise emitted from rail car retarding operations the Agency solicits in particular public comment on the desirability of a Federally preemptive national standard for noise emitted as a result of rail car wheels passing through active and/or inert retarders during humping or marshaling yard operations.

Like railroad maintenance shops, marshaling and humping yards contain some noise sources which are covered by the proposed regulation. As will be discussed further in the section on preemption below, a State or local noise regulation on a railroad terminal or yard is, in effect, a regulation on the Federally regulated noise sources within the terminal or yard only when compliance could be achieved, as a practical matter, solely by physically altering the Federally regulated noise sources.

4. *Track and right-of-way.* Due to the intimate relationship between the track and the rail car wheels in the generation of rail car noise, the proposed regulations preempt State and local regulations specific to track.

However, some steps can be taken to reduce noise emissions from railroad rights-of-way which do not in any way affect the operation of trains on the rights-of-way, such as the erection of noise barriers. State and local governments are much better situated than the Federal Government to determine if some noise-sensitive areas need such protection; and the existence of differing requirements for such measures in different areas does not, at this time, appear to impose any significant burden on interstate commerce. There is, at present, no need for national uniformity of treatment of such noise abatement techniques; and they are, therefore, not covered by the proposed regulations.

5. *Horns, whistles, bells, and other warning devices.* These noises are different in nature from most other types of railroad noise, since they are created intentionally to convey information to the hearer instead of as an unwanted by-product of some other activity. They are closely related to safety considerations and are already regulated for safety reasons at the Federal and State levels. They are, therefore, not covered by these proposed regulations. The EPA will continue its effort in assessing the impacts of various railroad signal and warning devices to provide future improvements and regulations for noise to impacted areas. Under Section IV of the Noise Control Act, EPA will coordinate these efforts with other appropriate responsible agencies.

6. *Special purpose equipment.* Interstate rail carriers operate a number of types of special purpose rail cars, including snow plows, track laying equipment, and cranes. It is not clear to EPA at this time whether such equipment is used in such a manner as to require national uniformity of treatment; or, if such treatment is requisite, what noise emission standards should be applied to its operation. In any event, there does not appear to be any conflicting State or local regulations on such equipment at present. Accordingly, such special purpose equipment which may be located on or operated from rail cars is not covered by the proposed standards. However, the rail cars themselves on which such special purpose equipment is located or operated from are included under the proposed standards for rail car operations. If in the future it appears that national uniformity of treatment of such equipment is necessary, appropriate noise emission standards for it pursuant to section 17 will be proposed.

7. *Trains.* Unlike the categories of railroad equipment and facilities discussed above, train noise is potentially subject to the noise regulations of more than one jurisdiction. Trains are constantly moving from one jurisdiction to another; and they could not practically be stopped at every political boundary and adapted to meet a different noise standard. Moreover, they constitute a major source of noise to people close to railroad rights-of-way. The various sources of train noise are therefore, covered by these proposed regulations in order to facilitate interstate commerce through national uniformity of treatment of their control.

III. NOISE FROM THE OPERATION OF TRAINS

A. *General.* The study of railroad noise by EPA has identified the basic types of train noise as locomotive noise, wheel noise, coupler interaction, other miscellaneous structural vibrations, and refrigerator car cooling system noise. Locomotive noise, at 86 to 98 dB(A) when measured at 30 meters (100 feet), (see Background Document/Environmental Explanation) clearly dominates the other sources of noise when the locomotive is passing any given point. After the locomotive has passed, however, the other types of train noise, though normally indistinguishable from each other, combine to produce noise levels from 70 to 93 dB(A) (depending on speed) when measured at 30 meters (100 feet). (These figures, which are from the studies undertaken in the course of development of these proposed regulations, differ somewhat from those in the EPA 1971 Report to the President and Congress on Noise; because the latter were based upon much more limited data which was measured at 50 feet from the trains, instead of 100 feet.)

Consistent with these findings, these regulations set separate standards on locomotive noise and the other types of train noise, which are referred to inclusively by the term "railroad car noise." This approach is also necessitated by the fact that locomotives are sometimes operated without any cars attached, and trains often contain more than one locomotive. A standard applicable to the train as a whole might not apply to a locomotive operated by itself and could not simply take into account the variation in noise levels produced by the use of two or more locomotives. (Theoretically, two identical noise sources operated together generate approximately 3 dB(A) more than either of the noise sources operated singly. However, this does not necessarily hold true of locomotives.)

B. *Locomotive noise.* Locomotives may be grouped into four broad categories according to the type of power they use: steam, diesel-electric, all-electric, and gas turbine. The few remaining steam locomotives in the United States are preserved primarily as historical curiosities and are, therefore, not covered by these regulations.

1. *Diesel-electric locomotives.* Diesel-electric locomotives are by far the most important type in the United States today, with approximately 27,000 in service. They are powered by diesel engines which drive electric alternators, which in turn produce electrical energy to run traction motors attached to each axle of the locomotives. Their engine/alternator speed and power output is controlled by throttles which, on all present models, have eight possible settings from idle to full power. They are of two types: "switcher locomotives," which are usually less than 1500 horsepower and are used primarily for moving cars within railroad yards, and "road locomotives," which are more than 1500 horsepower and are used primarily for long haul trains. Both types of locomotives can be and are used for either type of service when necessary.

Noise sources on diesel-electric locomotives are the engine exhaust, cooling fans, engine casing, engine air intake, traction motor blowers, the traction motors themselves, and the wheels. Of these, only the engine casing (typically emitting 80 to 85 dB(A) at 30 meters) (100 feet), cooling fans (80 to 93 dB(A) at 30 meters) (100 feet) generate noise levels high enough to be distinguishable from the other sources, so that the characteristic sound of a diesel-electric locomotive is the loud, low-frequency rumble of the exhaust. At the present time, very few, if any, diesel-electric locomotives in regular service in the United States are equipped with any device designed to reduce exhaust noise. EPA has studied the feasibility of such devices, however, and it appears that the same technological principles which are used to muffle the exhausts of most other internal combustion engines can be applied to locomotive diesel engine exhausts without serious difficulty. In fact, prior to 1960 most switcher locomotives were equipped with exhaust mufflers. The mufflers were replaced after that time with sparks arresters, designed to reduce fire hazard along railroad rights-of-way. New mufflers designed for retrofit application to the existing diesel-electric locomotive fleet will have to incorporate spark arresters or be capable of being used with them, and (at least for road locomotives) provide adequate clearance for tunnels, bridges, and other obstructions. These requirements do not appear to present serious problems. (See the Background Document.)

The cost of installing exhaust mufflers on the existing locomotive fleet is dependent upon four factors: the cost of the mufflers themselves (about $200 to $500 for switcher locomotives and about $1500 for road locomotives), the cost of additional hardware (no cost for switcher locomotives, and $200 to $2,500 for road locomotives), the cost of labor to install mufflers (about $50 for switchers and $200 to $1100 for road locomotives, depending upon model), and lost revenue for the time the locomotives are out of service to have mufflers installed (about 1 day for switchers and 1 to 3 days, depending upon model, for road locomotives). The last factor is significant because there is not enough excess capacity in the railroad system for any locomotive to be taken out of service for any period without having an effect on the amount of freight and passengers hauled. It can be reduced or eliminated, however, by scheduling muffler installation at times when the locomotives are out of service for normal maintenance anyway. These considerations are further detailed in the Background Document.

Mufflers can reduce diesel-electric locomotive exhaust noise by approximately 10 dB(A), which reduces exhaust noise to approximately the level of the cooling fans and engine casing noise emission sources. With a proper muffler application, the overall noise emitted by a locomotive under stationary test would not exceed a level of 87 dB(A) when it is operated at full throttle and 67 dB(A) at idle, when measured at 30 meters (100 feet). Further reduction of overall locomotive noise would require modifications to the cooling fans and engine casing. Available knowledge, at this time, indicates that the further reduction possible with available technology, taking into account the cost of compliance, would be negligible. (See Background Document.)

The proposed regulations, therefore, require diesel-electric locomotives to eventually meet a noise emission standard which is possible for them to meet through the installation of exhaust mufflers. A period of four years is allowed for locomotives to meet that standard, based upon an allowance of two years for the design of locomotive mufflers and the development of adequate production facilities for them, and two years after that for the actual installation of mufflers on the existing locomotive fleet. EPA data detailed in the Background Document for these proposed regulations indicates that mufflers can be designed, produced, and installed on the locomotive fleet within this time period at a cost of approximately $80 to $100 million, amounting to 1.6 percent to 2.0 percent of net railroad revenue or 0.3 percent to 0.4 percent of gross revenue.

In the meantime, an interim standard on diesel-electric locomotive noise emissions is proposed to be effective 270 days after promulgation of these regulations. Since it is based upon the noise level which well-maintained diesel-electric locomotives produce at present, this interim standard will require the railroads only to prevent their locomotives from becoming noisier than they already are, through adequate maintenance, etc., pending the application of mufflers. At that same time, the standard will preempt State and local governments from adopting or enforcing possibly conflicting regulations on diesel-electric locomotives. (See Preemption section below).

Noise emission standards are specified at idle and for all power settings of diesel-electric locomotives to insure that mufflers which are effective at all power settings will be installed rather than mufflers which would be effective only at a particular power setting.

2. *Gas turbine locomotives.* There are, at present, only a very few gas turbine locomotives in service in the U.S., and they are being used primarily for experimental and demonstration purposes. The most significant such project currently is the "turbotrain" operating between New York and Boston. Depending on the outcome of such projects, however, gas turbine locomotives could become an important part of the locomotive fleet in the future. The data that is available indicates that turbine powered locomotives can comply with the proposed standards. Due to limited data on noise emissions, separate standards for those gas turbines are not included in the present proposed regulation. The proposed standards are, however, applicable to these locomotives.

3. *All-electric locomotives.* All-electric locomotives are of much less importance to the U.S. railroad system than diesel-electric locomotives. There are approximately 250 all-electric locomotives in service, used primarily in the Northeast.

All-electric locomotives are inherently quieter than diesel-electric locomotives, since they do not contain diesel engines. Due to limited data on noise emissions from all-electric locomotives, separate standards for those locomotives are not included in the present proposed regulation. The proposed standards are, however, applicable to these locomotives.

C. *Railroad car noise.* The wheel noise, coupler interaction, and other structural vibration that make up train noise after the locomotive has passed are normally indistinguishable from each other. They make up a total noise level that can range from 70 to 93 dB(A) when measured at 30 meters (100 feet) for properly maintained railroad cars.

Inadequate maintenance, however, may significantly raise the level of one of these types of train noise and cause it to dominate the others. Flat spots on wheels, for example, may emit impulsive noise of over 93 dB(A) at 30 meters (100 feet). The proposed railroad car noise emission standard is designed to insure that railroad cars will be properly maintained so that train noise levels will be as low as the available technology permits.

Current technology for reducing moving railcar noise emissions was evaluated and will continue to be evaluated for new technology applications. There are efforts underway, for example, to reduce wheel rail noise from rapid transit systems which may have application to rail freight systems in the future. At this time, however, railroad maintenance practices of grinding car wheels and rails in addition to the use of welded rail appear to be the principal currently available methods for reducing moving rail car noise emissions. Of these maintenance practices, wheel and rail-grinding is currently specified under Federal Railroad Safety Regulations. Continuing to meet this requirement would impose no additional cost to the railroads.

Improvements in maintenance practices to reduce noise emissions from rail cars is an area EPA will be carefully evaluating. An example of improved maintenance practices might be the reduction in the size of wheel flat allowed to reduce noise emissions from that particular source. If subsequent studies indicate a reduction of noise emission is justified from a technology and cost standpoint, a smaller wheel flat requirement would be considered in the revision of the Federal Rail Carrier Noise Emission Standard. Similarly, if improved rail-grinding maintenance or increased frequency of rail-grinding is shown to be a significant tool in reducing rail car noise emissions, such measures would be considered when revising these regulations. Due to the intimate relationship between rail car wheels and the rail itself in the generation of "rail car noise," it is necessary that the proposed standard on rail car noise preempt any State or local standard specific to the rail.

The Department of Transportation is currently sponsoring research on wheel/rail noise. Whenever technology developed in this or other programs makes possible a reduction in railroad car noise, these regulations may be revised to require its application to interstate railroads in accordance with subsection 17(a)(2) of the Noise Control Act.

Refrigerator car cooling system noise is not distinguished from other railroad car noise in the proposed regulation because it is not normally distinguishable in the presence of other moving railroad car noise. It is significant, with levels as high as 75 dB(A) at 15 meters (50 feet), when refrigerator cars are parked with their cooling systems running as they often are in marshaling and humping yards, but it causes noise problems only in places where refrigerator cars are parked near noise-sensitive areas. At this time, such localized problems can best be controlled as a part of railroad yard noise control, through measures such as parking refrigerator cars away from noise-sensitive areas or installing noise barriers, rather than by requiring modifications to the refrigeration equipment of the entire refrigerator car fleet. Since refrigerator cars are covered by the proposed railroad car noise emission standard, State and local governments will be preempted by it from adopting or enforcing any different standard on refrigerator car noise emissions. The proposed standard will in no way, however, interfere with the ability of State and local governments to enact or enforce noise emission regulations on railroad yards that require railroads to relocate parked refrigerator cars or erect noise barriers. (See the section on preemption below.)

IV. Summary of the Proposed Regulations

The proposed regulations will establish standards for noise emissions resulting from the operation of locomotives and railroad cars of surface carriers engaged in interstate commerce by railroad. The proposed standard specifies sound levels measured at a distance of 30 meters (100 feet) from the centerline of the track on which the locomotive or railroad car being measured is located, and is specified in decibels on the A-weighted scale using fast meter response. The general measurement procedure used to obtain the data upon which the standards are based is presented in more detail in the Background Document/Environmental Explanation.

The measurement methodology described in the Background Document/Environmental Explanation provides for a complete definition of the noise emission standard but is not intended to be the only measurement method applicable for enforcement purposes. Enforcement may be conducted with procedures which are similar to those used, provided that the actual noise emission level allowed is equivalent to that specified in these regulations.

The Department of Transportation is to develop and, after consultation with the Administrator, promulgate regulations to insure compliance with these standards.

A. *Locomotive standard.* All locomotives to which this regulation is applicable are to meet the following noise emission standards under stationary test conditions:

(1) Effective 270 days from the date of promulgation of these regulations locomotives tested singularly shall not exceed 93 dB(A) at any throttle setting and 73 dB(A) at idle when measured at 30 meters (100 feet) over any surface.

(2) Effective 4 years from the date of promulgation of these regulations locomotives tested singularly shall not exceed 87 dB(A) at any throttle setting and 67 dB(A) at idle when measured at 30 meters (100 feet) over any surface.

Similarly, all locomotives or combination of locomotives to which this regulation is applicable, are to meet the following noise emission standards under moving conditions:

(1) Effective 270 days from the date of promulgation of these regulations, 96 dB(A) when moving at any time under any condition of grade, load, acceleration, or deceleration as measured over any surface at 30 meters (100 feet).

(2) Effective 4 years from the date of promulgation of these regulations, 90 dB(A) when moving at any time under any condition of grade, load, acceleration, or deceleration as measured over any surface at 30 meters (100 feet).

B. *Railroad car standard.* Effective 270 days from the date of promulgation of these regulations, all railroad cars or combination of railroad cars operated by surface carriers engaged in interstate commerce by railroad are to meet a noise emission standard of 88 dB(A) at speeds up to and including 72 km/hr (45 mph) and 93 dB(A) at speeds greater than 72 km/hr (45 mph) when measured at 30 meters (100 feet) over any surface.

V. Preemption

Under subsection 17(c)(1) of the Noise Control Act, after the effective date of these regulations, no State or political subdivision thereof may adopt or enforce any standard applicable to noise emissions resuling from the operation of locomotives, or railroad cars of surface carriers engaged in interstate commerce by railroad unless such standard is identical to the standard prescribed by these regulations. Subsection 17(c)(2), however, provides that this section does not diminish or enhance the rights of any State or political subdivision thereof to establish and enforce standards or controls on levels of environmental noise, or to control, license, regulate, or restrict the use, operation or movement of any train if the Administrator, after consultation with the Secretary of Transportation, determines that such standard, control, license, regulation, or restriction is necessitated by special local conditions and is not in conflict with regulations promulgated under Section 17.

Conversely, subsection 17(c)(1) does not in any way preempt State or local standards applicable to noise emissions resulting from the operation of any equipment or facility of interstate railroads which is not covered by Federal regulations. Thus, under the proposed regulations the States and localities will remain free to enact and enforce noise regulations on railroad equipment and facilities other than trains without any special determination by the Administrator. Only after a Federal regulation on noise emissions resulting from the operation of a particular type of railroad equipment or facility has become effective must the States and localities obtain a special determination by the Administrator under subsection 17(c)(2) in order to adopt or enforce their own use restrictions or environmental noise limits on that equipment or facility.

Some types of railroad facilities on which no Federal noise standards or regulations have become effective, and which may, therefore, be subjected to State and local noise standards without any special determination by the Administrator, may contain other types of equipment or facilities which are covered by preemptive Federal regulations. Railroad maintenance shops, for example, may from time to time emit the noise of locomotives undergoing tests along with noises common to many industrial operations such as forging and grinding; and railroad marshaling and humping yards include locomotives among their many types of noise sources.

In most instances, State or local standards on non-Federally regulated equipment or facilities of railroads can be complied with without affecting the Federally regulated equipment within them. Standards on noise emissions from repair shops, for example, can be met by many measures including improved sound insulation in the walls of the shop, buffer zones of land between the shop and noise-impacted areas, and scheduling the operation of the shop to reduce noise at those times of the day when its impact is most severe. Standards on railroad marshaling and humping yards can be met by a variety of steps including: reducing the volume of loudspeaker systems by using a distributed sound system or replacing speakers with two-way radios, reducing noise emissions from equipment which is not covered by Federal regulations, installing noise barriers around retarders and noisy equipment, acquiring additional land to act as a noise buffer, and locating noisy equipment such as parked refrigerator cars or idling locomotives as far as possible from adjacent noise-sensitive property. State or local regulations on noise emissions from railroad facilities which the railroad can meet by initiating measures such as these are not standards applicable to noise emissions resulting from the operation of locomotives or railroad cars, and thus would not be preempted by the proposed regulations. No special determination by the Administrator under subsection 17(c)(2) would be necessary. State or local noise standards on facilities involved in interstate commerce such as railroad marshaling yards are, of course, subject to Constitutional prohibition if they are so stringent as to place an undue burden on interstate commerce.

In some cases, however, a State or local noise regulation which is not stated as a regulation applicable to a Federally regulated type of equipment or facility may be such a regulation in effect, if the only way the regulation could be met would be to modify the equipment which meets the Federal regulation applicable to it. This would be the case if, for example, after the proposed regulations become effective, a State or locality attempted to adopt or enforce a limit on noise emissions from railroad rights-of-way in urban areas which could not reasonably be met by measures such as noise barriers. Such regulation would, in effect, require modifications to trains even though they met the Federal regulations and would, thus, be a regulation applicable to trains which would be preempted under subsection 17(c)(1). The same would be true of any State or local standard on railroad yards which could not reasonably be met except by modifying locomotives or railroad cars which comply with the proposed Federal standards.

State or local use or operation regulations which are applicable to noise emissions resulting from the operation of Federally regulated equipment and facilities can, of course, stand if the Administrator makes the determinations specified in subsection 17(c)(2) regarding them.

State or local noise emission standards which are directly applicable to noise emissions resulting from the operation of Federally regulated equipment and facilities may stand without any special determination by the Administrator if those regulations are identical to the Federal regulations. By adopting such identical regulations, States and their political subdivisions can add their enforcement capability to that of the Department of Transportation. The Environmental Protection Agency recommends and encourages such adoption of regulations identical to the Federal regulations and their enforcement by State and local authorities.

VI. Impact of Proposed Regulations

A. *Economic.* The total net cost to the railroad industry for compliance with the proposed railroad noise emission standard has been estimated at 83 to 103 million dollars. This cost estimate includes

direct retrofit cost, loss of revenue due to retrofit down-time, and the reduction in railroad operating costs as a result of retrofit down-time. There is no significant increase in operational or maintenance cost expected. Mufflers are to be designed for the life of the locomotive so no replacement cost is projected.

A separate analysis of the bankrupt Class I railroads (railroads having annual operating revenues of 5 million dollars or more) was also undertaken. These included the Boston and Maine, Central Railroad of New Jersey, Erie Lackawanna, Lehigh Valley, Penn Central Transportation Company, Ann Arbor and the Reading Company, all of which are located in the Northeast region of the United States. These 7 railroads operate about 20 percent of the locomotives owned by Class I railroads in the United States. The total cost of retrofit for these roads would be 16 to 20 million dollars or about 20 percent of the total cost of the muffler retrofit program.

The bankrupt roads are not currently generating sufficient revenues to cover operating expenses. These regulations would increase their annual operating expenses for each of the two years in the compliance period by, at most, 0.6 percent. As such, they represent a marginal additional burden on those roads. It is the opinion of the Administrator that these additional costs are reasonable and constitute the application of the "best available technology, taking into account cost of compliance."

In any case, the concern for the impact of noise regulations on the bankrupt Northeast railroads may be rendered moot by the passage of the Regional Rail Reorganization Act of 1973. This Act is intended to bring about the restructuring of the bankrupt Northeast railroads into one, economically viable rail system for that region. When this goal is achieved the impact of these regulations on the Northeast rail system will be no different from its impact elsewhere.

B. *Noise reduction impact.* The impact of the proposed regulations on noise can be expressed as a reduction in the number of people subjected to a specific decibel level as a train passes by. The number of people impacted depends upon the penetration of the noise into the community and the number of people in close proximity to railroad lines. To investigate this impact, the Agency selected 10 cities with widely varying populations to make comparisons of population densities and types of land use adjacent to the railroad systems. Combining these results with national average train traffic data, and the estimated length of railroad right-of-way in urban areas, predictions of noise reduction impact were made. It was estimated that there are one million people in the United States exposed to peak overall railroad sound levels of 80 dB(A) or greater. Compliance with the standards established in the proposed regulation is estimated to reduce the population exposed to peak overall railroad sound levels of 80 dB(A) or greater by one-half or 500 thousand people. The remaining 500 thousand people will have their present exposure reduced by up to 6 dB(A).

Although the number of people exposed to railroad noise in the United States is relatively small, the proposed regulation would result in a significant reduction in noise exposure for that portion of the population that is impacted.

VII. Intent of Future Regulations

In addition to the continued acquisition of noise emission data and assessment of noise reduction technology, the Agency intends to carefully consider the establishment of separate noise emission standards for different classes of locomotives. Based on present data, this is not possible; however, there is an indication that certain locomotives may lend themselves to increased noise reduction. That is, the rootes blown aspirated locomotives may be able to be quieted significantly more than the turbocharger aspirated locomotives. Additional data on both present noise levels and abatement technology are required to further assess this issue. Further, locomotive noise measurements at various throttle settings recording both the db(A) level and the dB(C) level are being obtained. This will permit evaluation of low frequency exhaust noise levels.

VIII. Background Document and Environmental Explanation for the Proposed Interstate Rail Carrier Noise Emission Regulations

On June 14, 1973, the Agency published procedures designed to insure that when certain major standards, regulations, or guidelines are proposed an explanation of their basis, purpose, and environmental effects be made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations, and guidelines which are proposed on or after December 31, 1973, and which prescribe national standards of environmental quality or require national emission effluent or performance standards and limitations.

The Agency determined to implement these procedures in order to insure that the public was apprised of the environmental effects of these major standard setting actions and was provided detailed background information to assist in commenting on the merits of the proposed actions. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of the proposed action, to discuss the pertinent non-environmental factors affecting the decision, and to explain the viable options available to the Agency and the reasons for the options selected.

The procedures contemplate publication of this information in the Federal Register where this is practicable. They provide, however, that where, because of the length of these materials such publication is impracticable, the material may be made available in an alternate format.

The Document which is entitled "Background Document and Environmental Explanation for the Proposed Interstate Rail Carrier Noise Emission Regulations" is quite lengthy, and it would be impracticable to publish it in its entirety in the Federal Register. Copies may be obtained from the Office of Public Affairs, Room 329–C, Waterside Mall, 4th and M Streets SW., Washington, D.C. 20460. To the extent possible, significant aspects of the material have been presented in summary form in the foregoing preamble. As was indicated earlier in the preamble, this Document is available to all interested parties. To allow those interested to determine whether they desire to request a copy the following are the topics contained in the Document:

1. Statutory basis and regulatory procedure;
2. Data base for the regulations;
3. Background of the railroad industry;
4. Sources of railroad noise and consideration for Federal regulations;
5. Enforcement considerations;
6. Economic impact of proposed regulations;
7. Environmental impact of proposed regulations; and
8. Discussion of regulatory alternatives.

IX. Public Comment

Section 17 of the Noise Control Act of 1972 requires that final regulations be promulgated not later than 90 days after the date of publication of proposed regulations, and after consultation with the Secretary of Transportation. Interested persons may submit information, statistics, and comments in writing with 5 copies to:

Office of Noise Abatement and Control (HM–571), Attention: Docket No. ONAC 7201002, Environmental Protection Agency, Washington, D.C. 20460.

Those contributors to the docket who choose to hand carry their submittals should deliver their comments to:

Office of Noise Abatement and Control (HM–571), Room 1108, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va. 20460.

The Environmental Protection Agency will consider all comments on the proposed noise emission standards for surface carriers engaged in interstate commerce by railroad which are received at the Agency within 45 calendar days from the date of this notice.

All comments will be available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at the Office of Public Affairs, Room 329–C, Waterside Mall, 4th and M Streets SW., Washington, D.C. 20460, at the Office of Public Affairs, 1735 Baltimore Avenue, Kansas City, Missouri 64108, and at the Office of Public Affairs, 100 California Street, San Francisco, California 94111.

Final regulations will be published reflecting modifications as the Administrator deems appropriate after consideration of public comment and consultation with the Secretary of Transportation.

JOHN QUARLES,
Acting Administrator.

JUNE 24, 1974.

Part 201 of title 40 is proposed to read as follows:

PART 201—RAILROAD NOISE EMISSION STANDARDS

Subpart A—General Provisions

Sec.
201.1 Definitions.

Subpart B—Interstate Rail Carrier Operations Standards

201.10 Applicability.
201.11 Standard for locomotive operation under stationary condition.
201.12 Standard for locomotive operation under moving condition.
201.13 Standard for rail car operations.

AUTHORITY: Sec. 17(a), 86 Stat. 1248, 42 U.S.C. 4917(a).

Subpart A—General Provisions

§ 201.1 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act:

(a) "Act" means the Noise Control Act of 1972 (P.L. 92–574, 86 Stat. 1234).

(b) "Carrier" means a common carrier by railroad, or partly by railroad and partly by water, within the continental U.S., subject to the Interstate Commerce Act, as amended, excluding street, suburban, and inter-urban electric railways unless operated as a part of a general railroad system of transportation.

(c) "dB(A)" means the standard abbreviation for A-weighted sound level in decibels.

(d) "Fast meter response" means that the dynamic response of the sound level meter shall comply with the meter dynamic characteristics in paragraph 5.3 of the American National Standard Specification for Sound Level Meters, ANS S1.4–1971. These publications are available from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

(e) "Idle" means that condition of locomotive operation at lowest practicable engine speed whereby the source of motive power is disengaged from the system which translates the power to the wheels.

(f) "Interstate Commerce" means the commerce between any place in a state and any place in another state, or between places in the same state through another state, whether such commerce moves wholly by rail or partly by rail and partly by motor carrier, express, water or air.

(g) "Load Cell" means a device external to the locomotive, of high electrical resistance, used in locomotive testing to simulate engine loading while the locomotive is stationary. (Electrical energy produced by the diesel generator is dissipated in the load cell resistors instead of the traction motors.)

(h) "Locomotive" means, for the purpose of this regulation, a self-propelled vehicle designed for and used on railroad tracks in the transport of rail cars.

(i) "Person" means any individual, firm, co-partnership, corporation, company, association, or joint stock association and includes any trustee, received assignee or personal representative thereof.

(j) "Rail Car" means a non-self-propelled vehicle designed for and used on railroad tracks.

(k) "Railroad" means all the roads in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease.

(l) "Self load" means that condition of a locomotive in which the locomotive diesel powered generators are supplying electrical power directly to the dynamic brake load grids.

(m) "Retarder" means a mechanical braking device used in the classification of railroad cars to control the velocity of the cars during the assembly of trains.

(n) "Sound level" means the quantity in decibels measured by a sound level meter satisfying the requirements of American National Standard Specification for Sound Level Meters S1.4–1971. This publication is available from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

(o) "Sound pressure level" means in decibels, 20 times the logarithm to the base ten of the ratio of a sound pressure to the reference sound pressure of 20 micropascals (20 micronewtons per square meter). In the absence of any modifier, the level is understood to be that of a root-mean-square pressure.

(p) "Warning device" means sound emitting devices used to alert and warn people of the presence of railroad equipment.

Subpart B—Interstate Rail Carrier Operations Standards

§ 201.10 Applicability.

The provisions of this subpart apply to all rail cars and all locomotives, except steam locomotives, operated or controlled by carriers as defined in Subpart A. They apply to the total sound level emitted by rail cars and locomotives operated under the conditions specified. These provisions do not apply to the sound emitted by a warning device, such as a horn, whistle or bell. They do not apply to special purpose equipment which may be located on or operated from railcars, such as: track laying equipment, cranes, rotary or fixed snow plows, or pile drivers; intraurban mass transit systems unless operated as a part of a general railroad system of transportation; or to railroad yards, shops, rights-of-way, or any other railroad equipment and facilities not specified herein.

§ 201.11 Standard for locomotive operation under stationary condition.

No rail carrier subject to these regulations shall operate any locomotive to which this regulation is applicable which produces sound levels in excess of the following noise emission standards:

(a) Effective 270 days from the date of promulgation of these regulations, 93 dB(A) at any throttle setting except idle, and 73 dB(A) at idle, when operated singly, connected to a load cell, through the locomotive self load, or the equivalent thereof, when measured over any surface with fast meter response at 30 meters (100 feet) from the geometric center of the locomotive and perpendicular to the centerline of the track.

(b) Effective 4 years from the date of promulgation of these regulations, 87 dB(A) at any throttle setting except idle, and 67 dB(A) at idle, when operated singly connected to a load cell, through the locomotive self load, or the equivalent thereof, when measured over any surface with fast meter response at 30 meters (100 feet) from the geometric center of the locomotive and perpendicular to the centerline of the track.

§ 201.12 Standard for locomotive operation under moving condition.

No rail carrier subject to these regulations shall operate any locomotive or combination of locomotives to which this regulation is applicable which produces sound levels in excess of the following noise emission standards:

(a) Effective 270 days from the date of promulgation of these regulations, 96 dB (A) when moving at any time or under any condition of grade, load, acceleration, or deceleration, when measured over any surface with fast meter response at 30 meters (100 feet) from the centerline of any section of track which exhibits less than a two (2) degree curve [or a radius of curvature greater than 873 meters (2,865 feet)].

(b) Effective 4 years from the date of promulgation of these regulations, 90 dB(A) when moving at any time or under any condition of grade, load, acceleration, or deceleration, when measured over any surface with fast meter response at 30 meters (100 feet) from the centerline of any section of track which exhibits less than a two (2) degree curve [or a radius of curvature greater than 873 meters (2,865 feet)].

§ 201.13 Standard for rail car operations.

Effective 270 days from the date of promulgation of these regulations no carrier shall operate any rail car or combination of rail cars whose movement produces noise levels in excess of 88 dB (A) when measured over any surface with fast meter response at 30 meters (100 feet) from the centerline of the track at rail car speeds up to and including 72 km/hr (45 mph); or 93 dB(A) measured over any surface with fast meter response at 30 meters (100 feet) from the centerline of the track at rail car speeds greater than 72 km/hr (45 mph).

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PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

SECTION 23 HOUSING ASSISTANCE PAYMENTS PROGRAM

Substantial Rehabilitation

Title 24—Housing and Urban Development

CHAPTER VIII—LOW RENT PUBLIC HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–74–251]

PART 1276—SECTION 23 HOUSING ASSISTANCE PAYMENTS PROGRAM—SUBSTANTIAL REHABILITATION

Notice was given on February 14, 1974 in 39 FR 5723 that the Department of Housing and Urban Development was proposing to amend Title 24 of the Code of Federal Regulations by adding a new Part 1276 to Chapter VIII.

The purpose of Part 1276 is to set forth the essential elements of the section 23 Housing Assistance Payments Program—Substantial Rehabilitation including, among other things, the roles and responsibilities of the Department, the local housing authority (LHA), the owner, and the eligible low-income family; the steps in applying for the section 23 Substantial Rehabilitation Program; the basis for determining the amount of housing assistance payments; and the prescribed forms of contracts and other documents.

The Department has received more than 30 responses to the February 14, 1974 publication. All of these comments were seriously considered and many changes have been incorporated in these regulations as a result. The principal changes are set forth below.

The subject of the greatest number of comments was the priority to be given to applications limiting assistance to 20 percent of the units in a multifamily structure or complex. Accordingly, the changes with respect to this subject are discussed first. The remaining principal changes are discussed generally in the order in which they appear in the regulations.

1. Section 1276.103(k)(2), which sets forth the priority for LHA applications limiting assistance to 20 percent of the units in a single multifamily structure or complex of five or more units, has been modified so that applications for (a) elderly or handicapped housing and (b) programs of 25 or fewer units shall be considered without regard to the priority. Also, the procedures relating to the application of the 20 percent priority in the evaluation and selection process have been set forth in a new § 1276.203 (b). A new § 1276.204(a) allows LHAs with applications approved as meeting the 20 percent requirement to select and contract with a developer for such projects on a negotiated basis without advertising for proposals.

2. The definition of "substantial rehabilitation", § 1276.102(b), has been broadened in scope to include: (a) all property in a condition which requires more than routine or minor repairs or improvements of such an extent as to necessitate execution of an Agreement to Enter into Housing Assistance Payments Contract ("Agreement"), Appendix XI, with the LHA prior to the performance of the work and which condition is improved to decent, safe, and sanitary condition and in accord with HUD requirements; and (b) renovation, alteration or remodeling for the conversion or adaptation of structurally sound property to the design and condition required for this program (e.g., conversion of a hotel to housing for the elderly).

3. The revised regulations now provide, pursuant to a new § 1276.103(c)(2) and a new section 1.3(c) of Part I of the Annual Contributions Contract (ACC), Appendix X, for the establishment of an account to which may be credited amounts determined by HUD to be necessary to assure that the low-rent character of the project will be maintained. Amounts may be paid out of this account, as approved by HUD, during the term of the ACC for increases reflected in the annual estimates of required annual contributions as approved by HUD.

4. The provisions limiting housing assistance payments to units under lease to eligible families, § 1276.103(d)(2) and section 1.3a of the Contract, have been modified to (a) require an owner, in order to continue to receive housing assistance payments with respect to units vacated by eligible families in violation of their leases, immediately upon learning of any such vacancy to take all feasible action to fill such units, and (b) provide for payments with respect to units not under lease where such vacancy is due to the LHA's failure to make timely determinations as to the eligibility of families selected by the owner.

5. Section 1276.103(e), which sets forth the limitations on maximum rents which owners may charge, has been clarified and expanded by, among other things, adding a new § 1276.103(e)(2) respecting maximum rent limitations for rehabilitation financed with HUD-insured mortgages.

6. Pursuant to a modified § 1276.103(f) the total term of the Housing Assistance Payments Contract ("Contract"), Appendix XII, will take into account the extent of the rehabilitation work required. Where major expenditures are required because the housing is in substantially substandard condition or because considerable renovation, alteration or remodeling is involved, a maximum Contract term of 15 years may still be appropriate. Where, however, the extent of the work required is substantially less, a commensurately shorter term will be utilized.

7. Section 1276.103(g) and section 1.6 of the Contract, relating to Contract rent adjustments, have been modified so that: (a) the provision respecting automatic rent adjustment of rents at the execution of the Contract has been deleted, so that the initial rents will be as agreed at the execution of the Agreement. However, the fair market rents, as determined by HUD, will be adjusted in order to allow for the period of rehabilitation, pursuant to a revised § 1276.102(c); (b) rents for housing financed with HUD-insured mortgages may in no case exceed the rent formula or other rents established by HUD in connection with the mortgage insurance for such rehabilitation; (c) automatic annual rent adjustments will be calculated by applying an Automatic Annual Adjustment Factor which will be published by HUD in the FEDERAL REGISTER for this purpose. The amount of the adjustment will be limited only by the percentage amount of the Adjustment Factor and, where appropriate, by the rent limitations described in paragraph (b), above; (d) the Secretary may grant special additional adjustments for substantial, general increases in property taxes and/or utility rates which are not adequately compensated for by automatic annual adjustments; (e) renegotiated rents (which may exceed rents permitted by automatic and special adjustments) must be approved by HUD, must be clearly supported by financial statements, and are to reflect reasonable amounts for operation and return on investment in comparison with comparable rental projects of the same age. Any increases in the amount of housing assistance payments as a result of adjustments or renegotiation are still limited to the maximum total amount of annual contributions provided in the ACC for purposes of housing assistance payments.

8. Section 1276.103(j) now provides that single room occupants housing planned specifically as a relocation resource for qualified displaced single persons may be developed under this program.

9. The provisions respecting relocation have been modified, clarified and expanded so that:

(a) Sections 1276.103(1) and 1276.208 (b)(7) and section 1.7 of the Agreement now limit the potential liability of an owner/rehabilitator (whose rehabilitation work requires the displacement of occupants) to the relocation payments required under section 202, 203 and 204 of the Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970. Further, pursuant to these provisions, the owner/rehabilitator will not be required to undertake any liability for or the provision of funding for relocation payments if other commitments, satisfactory to HUD, have been made for the funding of such payments; (b) pursuant to § 1276.208(a)(7), the owner/rehabilitator must provide, in his Final Proposal, among other things, an estimate of all relocation payments (if any) for his proposed rehabilitation; and (d) pursuant to § 1276.103(1) and section 2.9(a) of the ACC, the LHA must meet all HUD relocation requirements. Section 1276.103(c)(1) provides that the administrative costs incurred by the LHA in connection with its relocation functions may be included in the allowance for the preliminary cost of administration.

10. Section 1276.103(h), which sets forth the methods of financing permitted for the section 23 Substantial Rehabilitation Program, has been clarified and expanded as follows. (a) No section 23 assistance may be provided for any unit occupied by the owner; (b) the following types of financing may now be utilized: (i) market rate HUD-insured mortgage loans under section 207, 220

(d)(3)(b), 221(d)(3) (use of this section is limited to nonprofit sponsors), and 221(d)(4); (ii) National Housing Act home mortgage programs under section 203(b), 203(k), 220(d)(3)(a), 220(h), and 221(d)(2); (iii) home improvement loans under Title I of the National Housing Act; (iv) rehabilitation loans under Section 312 of the Housing Act of 1964; (v) section 515 of the Housing Act of 1949, administered by the Farmers Home Administration (provided that a family receiving the benefit of section 23 housing assistance payments may not also receive the benefit of interest reduction payments); (vi) financing by bonds or other obligations of eligible State housing or development agencies; and (c) types of financing which may not be utilized in the section 23 program are also now enumerated, including financing by an organization which has an identity of interest with the LHA.

11. Section 1276.103(h), respecting the responsibilities of the LHA, has been modified to require (rather than merely permit) the LHA to provide advice and guidance to eligible families in finding suitable housing, including families experiencing discrimination. The modified provision requires that such advice and guidance be provided in a manner affirmatively to further the policies of the applicable Civil Rights legislation and Executive Orders.

12. The procedures with respect to the payment by the LHA of security deposits on behalf of eligible families, as set forth in § 1276.103(o), have been clarified and a prescribed form or Security Deposit Agreement, Appendix XVI, has been provided which sets forth the procedures including the terms of and procedures for repayment to the LHA.

13. A new § 1276.105 and a new section 1.7 of Part I of the ACC have been added which set forth the procedures for the submission by the LHA to HUD of the prescribed forms of estimates of required annual contributions. These forms cover the estimated amounts for the cost of non-expendable equipment, administration, security and utility deposits and housing assistance payments.

14. A new § 1276.201(b) has been added to provide for a preapplication conference between the LHA and HUD so that HUD may assist the LHA in the preparation of its application.

15. Section 1276.205 has been modified so that (a) the contents of the Rehabilitation Program Packet have been expanded and modified and (b) the LHA is now responsible for the preparation of the Packet (with HUD Assistance).

16. Section 1276.206 now provides: (a) for a prescribed form of Public Notice (renamed from Invitation for Proposals), Appendix IV, to interested owners/developers; (b) an expanded and clarified statement of the methods of publicizing the substantial rehabilitation program which the LHA must utilize and (c) for a deadline for receipt of Preliminay Proposals (as discussed in paragraph 17, below) of no earlier than 14 days after the date of the last publication of the notice in a newspaper of general circulation.

17. Pursuant to new §§ 1276.207 and 1276.208, the process of submission and approval of owner/rehabilitator proposals has been simplied and modified so that: (a) interested owners/rehabilitators initially will submit Preliminary Proposals which need only be in sufficient detail to enable the LHA to determine which proposals, in its judgment, can be developed into Final Proposals which meet the requirements of the Rehabilitation Program Packet; (b) if the number of units covered by Preliminary Proposals that have been selected exceeds the number of units approved in the LHA's application, the LHA shall determine which should be excluded, based upon comparative evaluation of all relevant factors, and the LHA shall not exclude a proposal with lower gross rents than the others without specific justification for doing so; (c) detailed Final Proposals will be submitted by selected owners/rehabilitators to the LHA, which will evaluate the Final Proposals utilizing the prescribed LHA Review Checklist for section 23 Substantial Rehabilitation Final Proposals, Appendix VI; (d) HUD will review the Final Proposals submitted by the LHA; and (e) HUD may now determine, among other things, that a Final Proposal is approvable only if the owner/rehabilitator corrects certain specified deficiencies within a specified time.

18. The provisions respecting the utilization of a registered architect in the substantial rehabilitation program have been modified so that, among other things: (a) pursuant to § 1276.207(b)(1), the LHA's selection of a Preliminary Proposal and, pursuant to § 1276.211(d), HUD's approval of a Final Proposal will be made subject to the utilization of the services of a registered architect if, in their judgment, the nature and extent of the proposed rehabilitation so require and (b) pursuant to § 1276.212(a)(2) and the prescribed Notification of Approval, Appendix VIII, no ACC or Agreement may be executed with an owner/rehabilitator requiring such services until the owner/rehabilitator submits to HUD and the LHA a certification from the architect that final working drawings and specifications have been completed meeting HUD requirements (as specified in the Notification).

19. The requirements with respect to management capability and responsibilities of owners have been clarified and strengthened so that (a) pursuant to § 1276.208(b)(10), the developer/rehabilitator is required to include in his Final Proposal evidence of capability of providing the required management and maintenance services and a list of those services, or, if the proposal is for 15 or more units, evidence of management capability and a proposed management program pursuant to a prescribed Management Capability and Proposed Management Program form, Appendix V, and (b) pursuant to a new § 1276.216(a), the owner/rehabilitator is required, prior to the execution of the Contract, to certify that there has been no change in the evidence of management capability or in the proposed management program (if required) unless both the LHA and HUD have approved revisions.

20. The following provisions respecting site selection have been added: (a) a new § 1276.209(e) which sets forth flood insurance requirements pursuant to the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (which requirements are also set forth in sections 2.5 of the Agreement and 2.4 of the Contract); and (b) a new § 1276.210 which generally prohibits the use of preselected properties (i.e., properties designated by the LHA for rehabilitation and held under options transferrable to a selected owner/rehabilitator) unless specifically approved by the Assistant Secretary for Housing Production and Mortgage Credit-FHA Commissioner.

21. A new § 1276.211(a) provides that: (a) any Final Proposal from an owner/rehabilitator having an identity of interest with the LHA or (b) any arrangement with a management agent having such an identity of interest shall not be eligible for consideration.

22. Section 1276.215, which sets forth the procedures for inspection and acceptance of rehabilitated housing, has been modified to: (a) provide for joint inspection by HUD and the LHA upon notification of completion by the owner; (b) provide for advisory arbitration, at the owner's expense, if he disputes disapproval by HUD of the rehabilitation; (c) permit acceptance of the housing subject to the completion of ordinary punchlist items provided that the owner makes an escrow deposit to cover such items and provided that the Contract is subject to termination if the work is not completed within a reasonable time.

23. The procedures with respect to the selection and certification of families have been clarified and modified so that: (a) owners are required, pursuant to § 1276.217(a) and section 1.6 of the Agreement, to commence selection at least 60 days prior to project completion so as to facilitate expeditious leasing; (b) Section 1276.217(c) and section 1.9(a) of the contract provide that owners are responsible for selecting families, subject to LHA certification of eligibility; (c) the LHA is required, pursuant to § 1276.217(d), and section 1.9(c) of the Contract, to make eligibility determinations for families submitted by the owner within a specified time; and (d) a new Determination of Family Eligibility and Lease Approval form, Appendix XIII, has been provided to simplify and expedite the selections of families and LHA approval of families, leases and dwelling units. This form includes a simplified Certificate of Family Participation (which has been retitled from Certificate of Family Eligibility).

24. The provisions respecting the owner-family lease have been modified so that (a) pursuant to a new § 1276.217(e)(2), certain specified types of lease clauses are prohibited; (b) pursuant to

section 1.11 of the Contract, certain required lease provisions have been modified or deleted in the interests of simplification and clarity and (c) pursuant to sections 1.4(b) and 1.11(b) of the Contract, the items of service, maintenance and security included in the Contract and the lease are tailored to those specified in the approved Final Proposal.

25. A new § 1276.217(h) and new section 2.5 of the Contract provide for a system of reducing the number of units under Contract if the owner fails to keep such units under lease to eligible families in accordance with that provision.

26. The Agreement and the Contract have been modified so that, among other things: (a) each document is now divided into two parts; (b) suitable provisions have been included for those cases in which it is agreed that the rehabilitation should be completed and accepted in stages; (c) pursuant to a new section 2.10 of the Agreement, if any of the prohibited methods of financing are utilized, the LHA will not be obligated to enter into the Contract and is not entitled to any annual contributions with respect to units to be rehabilitated under the Agreement; and (d) pursuant to section 1.1c of the Contract, the owner must warrant that the rehabilitated housing is in good and tenantable condition and that all work has been completed in accordance with the Agreement.

27. Section 1.10 and 1.11 (required lease provisions) of the Contract, which relate to eviction of eligible families, have been modified so that: (a) the owner may not evict any family unless the owner complies with the requirements of local law, the lease and the Contract eviction provision; (b) the owner must notify the family (copy to LHA) of the proposed eviction, stating the grounds and advising the family that it has 10 days (from receipt of notice) to respond to the owner and/or present objections to the LHA (in writing or in person); (c) the LHA shall authorize the eviction unless the grounds are insufficient under the lease; and (d) the LHA shall notify the owner and the family of its determination within 20 days of the date notice is received by the family.

28. The requirements and procedures respecting Equal Opportunity have been clarified and strengthened so that, among other things: (a) the responsibilities of the owner with respect to selecting families for and marketing of his units have been classified in a new § 1276.217(b) and section 2.1 of the Contract and (b) the owner and the LHA are required to cooperate in compliance reviews and complaint investigations undertaken by HUD pursuant to section 2.11 of the ACC and section 2.3 of the Contract.

29. The numbering scheme of the regulation has been modified slightly so that the initial section in Subpart A is designated as § 1276.101 and the initial section in Subpart B is designated as § 1276.201. These modifications are made to facilitate referencing in the HUD section 23 Substantial Rehabilitation Handbook in which Subpart A is contained as Chapter 1 and Subpart B as Chapter 2.

The Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner has determined that the public interest would best be served by making these regulations effective immediately to avoid unnecessary delay in its implementation. Therefore, the Assistant Secretary finds that good cause exists for making these regulations effective upon publication in the FEDERAL REGISTER.

Accordingly, Title 24 is amended as follows:

A new Part 1276, Section 23 Housing Assistance Payments Program—Substantial Rehabilitation, is added to Chapter VIII to read as set forth hereinafter.

Subpart A—Applicability, Scope, and Basic Policies

Sec.

1276.101 Applicability and scope.
1276.102 Definitions.
1276.103 Basic policies.
1276.104 Separate project requirements.
1276.105 Submission of estimates of required annual contributions.

Subpart B—Project Development and Operation

1276.201 Preapplication.
1276.202 Submission of application.
1276.203 HUD review and approval of application.
1276.204 Development procedures.
1276.205 Preparation and contents of rehabilitation program packet.
1276.206 Public notice.
1276.207 Preliminary proposals.
1276.208 Final proposals.
1276.209 Site and neighborhood standards.
1276.210 Prohibition of use of preselected properties.
1276.211 Evaluation of final proposals.
1276.212 Notification of approval of final proposal.
1276.213 Annual contributions contract.
1276.214 Agreement to enter into housing assistance payments contract.
1276.215 Completion of rehabilitation.
1276.216 Execution of housing assistance payments contract.
1276.217 Project operation.
1276.218 HUD review of contract compliance.
1276.219 LHA reporting requirements [Reserved].

APPENDICES

NOTE.—Appendices I, II, III, VII, IX, XIV, XV, XVII, XVIII, XIX, and XX, which relate to internal HUD processing procedures, are not included herein, but do appear in the HUD Substantial Rehabilitation Program Handbook.

IV. PUBLIC NOTICE

V. MANAGEMENT CAPABILITY AND PROPOSED MANAGEMENT PROGRAM

VI. LHA REVIEW CHECKLIST FOR FINAL PROPOSALS—SUBSTANTIAL REHABILITATION

VIII. NOTIFICATION OF APPROVAL—SUBSTANTIAL REHABILITATION

X. ANNUAL CONTRIBUTIONS CONTRACT

XI. AGREEMENT TO ENTER INTO HOUSING ASSISTANCE PAYMENTS CONTRACT—SUBSTANTIAL REHABILITATION

XII. HOUSING ASSISTANCE PAYMENTS CONTRACT—SUBSTANTIAL REHABILITATION

XIII. DETERMINATION OF FAMILY ELIGIBILITY AND LEASE APPROVAL—SUBSTANTIAL REHABILITATION

XVI. SECURITY DEPOSIT AGREEMENT

AUTHORITY: Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 10(b) of the U.S. Housing Act of 1937 (42 U.S.C. 1410(b)); sec. 23 of the US. Housing Act of 1937 (42 U.S.C. 1421(b)).

Subpart A—Applicability, Scope, and Basic Policies

§ 1276.101 Applicability and scope.

(a) The policies and procedures contained herein are applicable to the making of housing assistance payments on behalf of eligible low-income families leasing substantially rehabilitated housing, pursuant to the provisions of section 23 of the U.S. Housing Act of 1937.

(b) For the purposes of this Part, "substantially rehabilitated housing" shall mean existing housing for which, prior to the start of rehabilitation: (1) an Annual Contributions Contract (ACC) is executed between the Department of Housing and Urban Development (HUD) and the local housing authority (LHA); and (2) an Agreement to Enter Into Housing Assistance Payments Contract ("Agreement") is executed between the LHA and the owner, except that owners/rehabilitators of housing already undergoing substantial rehabilitation are eligible for participation in this program, provided all requirements of the program can be met. Unless specific approval is obtained from HUD, the policies and procedures contained herein shall apply to all substantial rehabilitation projects for which ACCs have not yet been executed. With respect to projects under executed ACCs, these policies and procedures may be applied to a project if the LHA and owner/rehabilitator, if designated, agree to do so.

(c) This Part (1) covers policies and procedures relating to the roles and responsibilities of HUD, the LHA and the owner/rehabilitator; the application process; the project development format; the determination of the amount of annual contributions; and public notice, evaluation and selection of owner/rehabilitator proposals and (2) contains prescribed contracts, agreements, and other documents.

§ 1276.102 Definitions.

(a) *Decent, safe and sanitary condition.* For the purposes of this program, housing is considered to be decent, safe and sanitary if a certificate of occupancy or other similar certification, if required by law, has been issued by the authorized governmental official, and if the following minimum standards are met:

(1) The housing has been determined by the LHA to be decent, safe, and sanitary within the meaning of the U.S. Housing Act based upon all pertinent factors, including, but not limited to, the following:

(i) The condition of the exterior and interior of the structure and the housing unit;

(ii) Adequacy and operating condition of sanitary facilities, which must be private, and adequacy of solid and liquid waste disposal facilities;

(iii) Adequacy and operating condition of kitchen facilities, which must (A) contain a range and refrigerator (except in localities where it is normal practice that tenants provide these items), a sink, space for storage of food and for storage of utensils and dishes, and (B) be private except where authorized as congregate housing meeting HUD requirements for such housing.

(iv) Adequacy and operating condition of heating, lighting and ventilating equipment and/or facilities;

(v) Size, number of rooms, and furnishability to accommodate adequately the size and type of family to be housed.

(2) The owner shall provide either (i) a certification from the authorized local government official or a qualified laboratory that exposed interior and exterior surfaces are free of lead based paint hazards, or (ii) a certification by the owner that these surfaces have been adequately treated or covered, all in accordance with the applicable HUD regulations issued pursuant to Lead Based Paint Poisoning Prevention Act, 42 USC 4801.

(3) The location shall meet the site and neighborhood standards set forth in § 1276.209.

(b) *Substantial rehabilitation.* (1) A property will be considered substantially rehabilitated if its conditions requires more than routine or minor repairs or improvements of such extent as to necessitate execution of an Agreement with the LHA prior to the performance of the work, and the condition is improved to a decent, safe, and sanitary condition and in accord with HUD requirements.

(2) Substantial rehabilitation also means renovation, alteration, or remodeling for the conversion or adaptation of structurally sound property to the design and condition required for use in this program (e.g., conversion of a hotel to housing for the elderly).

(c) *Fair market rent and gross rent.* The fair market rent for substantially rehabilitated housing shall be equal to the gross rent (including utilities, ranges, and refrigerators, parking, and all maintenance and management services) for dwelling units of varying size (number of bedrooms) and structure type, which is determined at least annually by HUD as the fair market rent for newly constructed rental housing of modest (nonluxury) nature in the housing market area. Gross rent includes all utilities (except telephone) whether or not paid directly to the utility company by the family. In order to allow for the period of rehabilitation, the fair market rent, as determined by HUD, will include HUD's estimate of anticipated rent increases during a period of two years from the date of the fair market rent determination.

(d) *Gross family contribution.* The portion of the rent to owner payable by a family plus the utility allowance established by the LHA for any utilities (except telephone) payable directly by the family. In no event shall the gross family contribution exceed one-fourth of the family's adjusted income as defined by HUD.

(e) *Utility allowance.* An amount, determined by the LHA and approved by HUD as an allowance for the cost of tenant-purchased utilities, which is deducted from the fair market rent for purposes of determining the maximum rent to owner and is included in the gross family contribution.

(f) *Annual contributions contract (ACC).* A written agreement between HUD and LHA to provide annual contributions to the LHA for participation in the Housing Assistance Payments Program. (See Appendix X)

(g) *Agreement to enter into housing assistance payments contract ("Agreement").* A written agreement between an LHA and an owner that upon satisfactory completion of the rehabilitation by the owner/rehabilitator pursuant to agreed upon plans, specifications and other requirements as set forth in the Agreement, the LHA will enter into a Housing Assistance Payments Contract with the owner. (See Appendix XI)

(h) *Housing assistance payments contract ("Contract").* A HUD-approved written Contract between an LHA and an owner for the purpose of providing housing assistance payments on behalf of eligible families. (See Appendix XII)

(i) *Eligible families.* Those families determined by the LHA to meet the requirements for admission into housing assisted hereunder. Families shall not be eligible for housing assistance payments when the LHA determines that 25 percent of adjusted family income (as defined by HUD) equals or exceeds the gross rent for the unit leased. The ineligibility of such families for housing assistance payments shall not affect the family's other rights under its lease.

(j) *Certificate of family participation.* The certificate issued by an LHA declaring a family to be eligible for participation in this program and stating the terms and conditions of such eligibility. (See Appendix XIII)

(k) *Lease.* An LHA-approved written agreement between a private owner and an eligible family for the leasing of a decent, safe, and sanitary dwelling unit. The lease shall contain the required provisions specified in the Contract.

§ 1276.103 Basic policies.

(a) *Limitation on use of substantially rehabilitated housing.* Substantial rehabilitation projects shall be permitted only: (1) in those localities where HUD determines that there is not and there is not likely soon to be an adequate supply of existing housing not requiring substantial rehabilitation which, with the aid of housing assistance payments provided under the Housing Assistance Payments Program, can meet the housing needs of low-income families, or (2) in certain areas in which the proposed housing is required and such projects are specifically approved by HUD in accordance with priorities established from time to time by the Secretary.

(b) *Development process—(1) Programs involving 20 percent or less assistance.* LHAs may negotiate directly with owner/rehabilitators, in accord with § 1276.204, for housing in which 20 percent or less of the units will be assisted in a single structure or complex of five or more units.

(2) *Programs involving more than 20 percent assistance.* For programs not subject to the 20 percent limitation in paragraph (b)(1) of this section, any owner/rehabilitator may submit a Preliminary Proposal to provide housing opportunities for low-income families in substantially rehabilitated housing. Such Preliminary Proposals shall be in response to a Public Notice (see Appendix IV) published by the LHA. If the Preliminary Proposal is acceptable to the LHA, the LHA may request the owner/rehabilitator to prepare a Final Proposal for submission to HUD. If the Final Proposal is acceptable to the LHA and HUD, the LHA will send the owner/rehabilitator a Notification of Approval (see Appendix VIII) and will enter into an agreement with him.

(c) *Annual contributions.* (1) The maximum total annual contribution that may be contracted for in the ACC for a project shall be: (i) the total of the HUD-approved maximum rents to owner (see paragraph (e) of this section) plus the utility allowance, if any, for tenant-purchased utilities (see § 1276.102(e)) for all the units in the project plus (ii) an allowance for the cost of administration. The allowance for the preliminary costs of administration (including administrative costs in connection with LHA activities related to relocation of occupants (see paragraph (l) of this section) and an amount for security and utility deposits (see § 1276.105) shall be payable out of this total.

(2) A project account, which shall at no time exceed an amount equal to 10 percent of the maximum annual contribution, may be established and maintained out of amounts by which the maximum annual contributions for any years are not otherwise payable in such years. This account shall be established and maintained by the LHA or by HUD, as determined by HUD, as a specifically identified and segregated account, and payment shall be made therefrom, as approved by HUD, only for the following purposes:

(i) Increases in housing assistance payments;

(ii) Increases in the allowance for LHA administrative expenses;

(iii) Increases in fund requirements for security and utility deposits; and

(iv) Other expenditures specifically authorized or approved by the Secretary.

Any balance in this account after payment of the last annual contribution for the project shall be paid to HUD.

(d) *Housing assistance payments.* (1) The housing assistance payments will pay the owner the difference between the rent chargeable by the owner as specified in the Contract and that portion of said rent payable by the family.

(2) Housing assistance payments shall be paid to owners only for units under

lease by eligible families (except as provided in the Contract). If a family vacates its unit in violation of the provisions of its lease, the owner may continue to receive housing assistance payments with respect to such unit in accordance with the terms of the Contract, not beyond the term of the lease, but only if the owner (i) immediately upon learning of the vacancy, has taken all feasible action to fill it, including, but not limited to, contacting families on this waiting list, requesting the LHA to refer eligible families, and advertising the availability of the unit, (ii) has promptly (within 30 days of the date the family vacated the unit) notified the LHA of the vacancy and the reasons for the vacancy, and (iii) has not rejected, except for good cause acceptable to the LHA, any substitute family provided by the LHA.

(e) *Maximum rents to owners.* (1) The rents to owners that may be contracted for pursuant to the HUD-approved Housing Assistance Payments Contract ("Contract") between the LHA and the owner shall not exceed the lesser of:

(i) The fair market rents for substantially rehabilitated housing, as defined in § 1276.102(c), less any allowance for utilities payable directly by families. These fair market rents may be exceeded by up to 10 percent in establishing the initial Contract rents for a project if the Assistant Secretary for Housing Production and Mortgage Credit determines that higher rents are justified and necessary to provide required special design features for elderly and handicapped persons.

(ii) Rents determined by HUD to be reasonable in relation to the quality, location, amenities, and management and maintenance services of the project. This determination shall also take into account the fact that the rents which may be paid for substantially rehabilitated units will be expected to fall below those which may be paid for new units. An exception would be particularly well located units with little or no functional obsolescence which provide physical facilities and services comparable to those offered by newly constructed units.

(2) In addition, in the case of housing financed with HUD-insured mortgages, the rents for units assisted under this program shall not exceed the lower of:

(i) The rents stated in the HUD-approved section 23 proposal, or

(ii) The rent formula or other rents established by HUD in connection with the mortgage insurance for such housing.

(f) *Term of housing assistance payments contract.* (1) The LHA and owner may enter into a Contract for a maximum initial term of five years, with an option in the owner to renew for an additional term(s) of not more than five years each, provided that the total Contract term, including renewals, shall not exceed fifteen years. (If the project is accepted in stages, the dates for the initial and the renewal terms shall be separately related to the units in each stage, but the total Contract term for the units in all stages may not exceed 17 years from the beginning of the first fiscal year under the ACC.) However, the LHA may notify the owner that it will not agree to renew if it determines that the owner is in default under the terms of the Contract.

(2) In cases where major expenditures are required because the housing: (i) is in substantially substandard condition (i.e., the housing, while structurally sound, is not only below decent, safe and sanitary condition, but also has one or more critical defects, or a combination of potential defects, in sufficient number or extent to require considerable repair or rebuilding) or (ii) requires considerable renovation, alteration or remodeling (see § 1276.102(b)(2)), a Contract for up to 15 years may be appropriate. In other cases, where the extent of the rehabilitation work is substantially less, commensurately shorter terms shall be utilized. Therefore, before approving a Final Proposal, HUD will determine the maximum term of the Contract taking into account the amount of the capital expenditures reasonably required under the Proposal, the reasonable period and rate of amortization for the financing, and the approvable rents to the owner.

(g) *Rent adjustments.* Contract rents shall be adjusted, subject to the limitations contained in paragraph (g)(4) and (5) of this section, as follows:

(1) *Automatic annual adjustments.* (i) On each anniversary date of the Contract, the latest monthly rents shown in the Contract shall be adjusted automatically by applying the Automatic Annual Adjustment Factor most recently published by HUD in the FEDERAL REGISTER for this purpose; provided that the Adjustment Factor was published within one year prior to the date of the Contract adjustment. Rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted rents be less than the rents set forth in the Contract on the date of execution of the Contract.

(ii) The Automatic Annual Adjustment Factor for any city, town, or other locality within a geographic region used for Bureau of the Census publications (Census Region) shall be determined by HUD as follows:

(A) HUD will compute, for the Base Year and for the Current Year, the annual average of the monthly residential rental components of the Bureau of Labor Statistics consumer price index for each reported city within the Census Region. "Current Year" means the nearest appropriate 12 month period as determined by HUD, but in no event prior to the calendar year immediately preceding the one in which the Automatic Annual Adjustment Factor is published. "Base Year" means the 12 month period immediately prior to the Current Year.

(B) HUD will compute the percentage change, from the Base Year to the Current Year, in each of these annual averages for each of the cities.

(C) HUD will compute the unweighted average of the several percentage changes computed in paragraph (g)(1)(ii)(B) of this section.

(2) *Special additional adjustments.* Special additional adjustments may be granted when approved by the Secretary for substantial, general increases in property taxes and/or utility rates but only if and to the extent that the owner clearly demonstrates that such general increases have caused increases in the owner's operating costs which are not adequately compensated for by automatic annual adjustments.

(3) *Renegotiations.* The then current rents contained in the Contract may only be renegotiated to become effective at the beginning of the sixth and eleventh years of the Contract (if the Contract is renewed for that length of time), whether or not such effective date of renegotiation coincides with the beginning of a renewal term. Rents may be renegotiated above the rents which would be permitted by the automatic annual adjustment, if the owner submits to HUD financial statements which clearly support the increase. HUD shall review such statements and may approve rents which reflect reasonable amounts for project operation and return on investment in comparison with comparable rental projects of the same age. Renegotiated rents shall not be applied retroactively.

(4) *Housing financed under the national housing act.* Notwithstanding any other provisions of this Part, in no case may rents for housing financed with mortgages insured under the National Housing Act exceed the rent formula or other rents established by HUD in connection with that mortgage insurance.

(5) *Limitation.* The LHA will make housing assistance payments in increased amounts commensurate with rent adjustments or renegotiations under this paragraph, but not in excess of the amount available with respect to the unit or units under the Contract out of the maximum total amount of annual contributions payable under section 1.3 (b)(1) of Part I of the ACC for all dwelling units under that ACC, Part I. No commitment is made by the LHA or HUD that such maximum total amount of annual contributions will be increased by reason of any such rent adjustments or renegotiations. However, the owner may select eligible families in light of this limitation so that his total receipts (family rents and housing assistance payments) would be commensurate with the adjusted or renegotiated Contract rents.

(h) *Eligible agencies.* (1) All legally constituted local housing authorities created pursuant to State housing authorities laws are eligible to participate in this program. In addition, under the terms of the U.S. Housing Act, a "public housing agency" may include any State, county, municipality or other governmental entity or public body which is authorized by State law to engage in the development or administration of low-income housing or slum clearance and may, therefore, be eligible to participate in this program. The abbreviations "LHA" or "LHAs" as used herein include any governmental entity or public body as described in this paragraph.

(2) LHAs may, by agreement, cooperate with each other in carrying out their respective functions, and State laws typically provide that a locality which has no LHA can invite another LHA within the State to function within its borders.

(3) In addition to the few states that have created statewide LHAs, many more have state departments or agencies authorized to administer housing and urban development legislation which qualifies them as public housing agencies under the U.S. Housing Act and authorizes them to carry out this function or to act through LHAs or other entities.

(i) *Local governing body approval.* HUD cannot approve an application for a section 23 substantial rehabilitation program unless the governing body of the locality in which the units are to be located has, by resolution, approved the application of the provisions of section 23 to the locality. Once such a resolution has been enacted, it may satisfy this approval requirement for all subsequent section 23 leasing projects, including substantial rehabilitation projects. The terms of the resolution as enacted must be examined by the LHA and HUD to determine whether it contains any restrictive language (e.g., limits the number of dwelling units or limits the program to locations which would have the effect of denying equal housing opportunities) which would require that a new resolution be passed to enable HUD to approve the proposed project.

(j) *Types of housing to be rehabilitated.* Existing structures of various types may be appropriate for this program including apartment hotels, single-family houses, row houses, or multifamily structures. Hotels or office buildings may be suitable for conversion under this program to housing designed for elderly or handicapped families and individuals, including congregate housing. Single room occupant (SRO) housing planned specifically as a relocation resource for single persons (who, as displacees, qualify for low-rent public housing assistance) may also be developed under the substantial rehabilitation program. (See the appropriate HUD requirements for guidelines and standards applicable to congregate and SRO housing.) Units in high-rise elevator buildings may not be used for families with children unless HUD, in approving the LHA application, determines there is no practical alternative. Mobile homes may not be utilized in this program.

(k) *Limitation on number of units in single structure.* (1) Section 23(c) of the U.S. Housing Act provides that no more than 10 percent of the units in any single structure shall be assisted unless the LHA, because of the limited number of units in the structure or for any other reason, determines that such limit should not be applied. Where the LHA determines that the 10 percent limitation should not be applied, a record of its determination shall be maintained in the LHA's permanent file, and the LHA shall notify HUD of its action.

(2) In approving applications for assistance HUD will give priority to those applications which would provide for housing assistance for 20 percent or less of the units in a single multifamily structure or complex of five or more dwelling units. However, applications for (i) housing to be specifically rehabilitated for occupancy by the elderly or handicapped or (ii) programs of 25 or fewer units shall be considered for approval without regard to such priority.

(l) *Relocation requirements.* No Agreement shall be executed with respect to occupied units which involve substantial rehabilitation requiring that the units be vacated unless (1) the owner voluntarily undertakes liability for and provides the funding for relocation payments (see section 1.7 of the Agreement) or (2) other commitments, satisfactory to HUD, have been made for the funding of such costs. In addition, the LHA shall meet HUD relocation requirements.

(m) *Equal opportunity and other requirements.* Participation in the section 23 Housing Assistance Payments Program-Substantial Rehabilitation requires compliance by all participants with (1) Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Orders 11063 and 11246, Section 3 of the Housing and Development Act of 1968, and the National Environmental Policy Act; and (2) all rules, regulations, and requirements issued pursuant thereto.

(n) *Methods of finance.* (1) The following types of financing may be utilized, but no section 23 assistance may be provided for any unit occupied by an owner:

(i) Conventional loans from commercial banks, savings banks, savings and loan associations, pension funds, insurance companies or other financial institutions;

(ii) Market rate HUD-insured project mortgage loans under sections 207, 220 (d)(3)(b), 221(d)(3) (use of this section is limited to nonprofit sponsors), 221(d)(4), and 231 of the National Housing Act;

(iii) National Housing Act home mortgage programs under sections 203(b), 203(k), 220(d)(3)(a), 220(h), and 221(d)(2);

(iv) Home improvement loans under Title I of the National Housing Act;

(v) Rehabilitation loans pursuant to section 312 of the Housing Act of 1964;

(vi) Section 515 of the Housing Act of 1949, administered by the Farmers Home Administration (provided that a family receiving the benefit of housing assistance payments may not also receive the benefit of interest reduction payments); and

(vii) Financing by bonds or other obligations of State housing or development agencies which are authorized to participate in the section 23 Housing Assistance Payments Program—State and Local Housing Finance and Development Agencies, Part 1278 of this Chapter, or which participate in HUD programs for Non-Insured Assisted Projects by State and Local Governments.

(2) The following types of financing shall not be utilized:

(i) All of the unnamed remaining mortgage insurance programs under the National Housing Act;

(ii) Direct or indirect financing by bonds or other obligations of an LHA (except State housing or development agencies as permitted in paragraph (n)(1)(vii) of this section.

(iii) Direct or indirect financing by an organization or entity on behalf of an LHA or other public body, or by an organization or entity which is an agency or instrumentality of an LHA or other public body, or by an organization or entity which has an identity of interest with an LHA or other public body.

(o) *Security and Utility Deposits.* Generally, families shall be expected to obtain the funds to pay security deposits (not to exceed one month's total rent to owner) and/or utility deposits, if required, from their own and/or other private or public sources. In hardship cases where families are unable to obtain funds to pay the required amounts, the LHA may pay on behalf of the families the necessary deposits (except telephone). In order to be eligible for such assistance by an LHA, families shall be required to pay, as a first installment towards repayment of the funds advanced by the LHA, an amount at least equal to the lesser of: one-twelfth of the total required security and/or utility deposits, or one month's gross family contribution (see § 1276.102(d)). The LHA will pay the full amounts required to owners and/or utility companies. The amounts advanced by the LHA from its funds shall be recovered from the families by the LHA generally over a one-year period. Recovery shall be accomplished by adding to the family's monthly rent payment to owner an appropriate additional amount specified in the Security Deposit Agreement, shown as Appendix XVI, which shall be remitted to the LHA with the owner's monthly request for housing assistance payments. Failure on the part of the family to pay such amounts shall not affect the amount of housing assistance payments otherwise payable. The amounts remitted to the LHA may be retained by the LHA in a separate fund, in accordance with appropriate HUD accounting procedures, for future payments of security and/or utility deposits as needed, or otherwise applied in accordance with those procedures.

(p) *Responsibilities of the owner.* The owner shall be responsible for management, maintenance and operation of the housing. These responsibilities shall include but not be limited to the payment of utilities (unless paid directly by the family), insurance and taxes; the performance of all ordinary and extraordinary maintenance; performance of all management functions including the taking of applications and selection of families (with the exception of determination and verification of eligibility for the particular dwelling unit involved, which shall be the function of the LHA);

collection of rents; risk of loss from vacancies and nonpayment of rent by tenant families; preparation and furnishing of information required by the LHA under the Contract; and compliance with equal opportunity requirements. The LHA shall not provide management, maintenance or operation services except where it is determined by the HUD field office director that such services are not otherwise available in the locality. In such case, the owner may contract with the LHA to perform such services for a prescribed fee, provided that such contract shall not shift to the LHA any of the owner's responsibilities and obligations. Such contract shall be approved by HUD.

(q) *Responsibilities of LHA.* The LHA shall be responsible for the prompt: determination of eligibility for assistance; determination of amounts of housing assistance payments; issuance of Certificates of Family Participation to eligible families; notification of families determined ineligible; approval of owner-family leases; making of housing assistance payments on behalf of eligible families; reexamination of family eligibility as prescribed by HUD regulations; inspections prior to leasing and inspections at least annually to determine that the units are maintained in decent, safe, and sanitary condition (failure to do so shall constitute a Substantial Default by the LHA under the Annual Contributions Contract); authorization of evictions; and compliance with equal opportunity requirements. The LHA shall provide advice and guidance to eligible families in finding suitable housing, including advice and guidance to families experiencing discrimination, in a manner affirmatively to further the policies of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 and Executive Order 11063.

(r) *Responsibilities of the family.* A family receiving housing assistance under this program shall be responsible for fulfilling all its obligations under both the lease with the owner and the Certificate of Family Participation issued to it by the LHA.

§ 1276.104 Separate project requirements.

A section 23 substantial rehabilitation project may not include any other type of leasing pursuant to section 23, shall be processed with a separate ACC List and Annual Contributions Contract, Part I, and shall be assigned a separate project number. All substantial rehabilitation units to be placed under a single Housing Assistance Payments Contract shall comprise a separate project. However, the field office Director may designate as a single project the units to be covered by two or more such Contracts where:

(a) The units are placed under ACC on the same date; and

(b) Such consolidation is necessary in the interest of administrative efficiency.

§ 1276.105 Submission of estimates of required annual contributions.

(a) *Initial submission.* An allowance may be provided for preliminary costs incurred by the LHA prior to the beginning of the first fiscal year. When the Annual Contributions Contract is executed by the LHA, it shall submit an Initial Estimate of Required Annual Contributions (Preliminary Costs) together with an Estimate of Total Required Annual Contributions on the prescribed forms. This submission includes estimates of costs of administration and of nonexpendable equipment up to the beginning of the first fiscal year.

(b) *First fiscal year submission.* Not earlier than 150 and not later than 90 days prior to the estimated date of the beginning of the first fiscal year, the LHA shall submit the following:

(1) An Initial Estimate of Required Annual Contributions (Preliminary Costs) covering the estimated amount for security and utility deposits;

(2) An Estimate of Required Annual Contributions (Housing Assistance and Administration) covering the estimated amount for the first fiscal year housing assistance payments and the allowance for the cost of administration;

(3) An Estimate of Total Required Annual Contributions.

(c) *Subsequent fiscal year submissions.* Not earlier than 150 and not later than 90 days prior to the beginning of each subsequent fiscal year, the LHA shall submit an Estimate of Required Annual Contributions (Housing Assistance and Administration) and an Estimate of Total Required Annual Contributions, with supporting documentation, for any requested changes in the amount of housing assistance payments and the allowance for the cost of administration.

(d) *Revisions of estimates.* Any of the above Estimates may be revised to reflect changes in circumstances and available data.

(e) *HUD approval.* All Estimates of Required Annual Contributions and any revisions thereto submitted by the LHA shall be subject to HUD approval.

Subpart B—Project Development and Operation

§ 1276.201 Preapplication.

(a) *Determination of need and survey of market.* The LHA shall determine whether there is a need for housing assistance for low-income families within its operating jurisdiction. If it determines that there is such a need, the LHA shall survey the housing market of the locality to determine whether there is a sufficient supply of units that are suitable or may be made suitable to meet all or part of this need. In determining the adequacy of the housing supply, the LHA shall estimate realistically the number and size (number of bedrooms) of units that may be available, the condition of such units, and the rents at which the units may be leased.

(b) *Preapplication conference.* A preapplication conference with the appropriate HUD field office staff, in person or by telephone, is strongly recommended to assure that an approvable application will be submitted by the LHA. The LHA should be prepared to justify a substantial rehabilitation program, i.e., to show that one or both of the conditions of § 1276.103(a) are met. The LHA should also indicate the type of program it proposes, particularly in terms of number of units, whether they are to be for elderly or family, and if the LHA intends to limit assistance to 20 percent or less of the units in a structure or complex of five or more units in accordance with § 1276.103(k)(2). If the LHA intends to submit an application meeting the condition of § 1276.103(k)(2), it should indicate that there is owner/rehabilitator interest in providing housing under this condition and that the LHA will be able to obtain an appropriate proposal or proposals.

§ 1276.202 Submission of application.

(a) *Submission of application.* (1) An application for a substantial rehabilitation program, to be submitted by the LHA to the HUD field office, shall be in a form prescribed by HUD and shall:

(i) Describe the results of the LHA's survey of the the housing market in terms of the number, size (number of bedrooms), condition, and rents of units which may be available;

(ii) Substantiate the existence of the necessary conditions prescribed in § 1276.103(a) for the approval of an application for a substantial rehabilitation program;

(iii) Document the need for housing assistance in terms of family incomes, housing conditions, and rent to income ratios;

(iv) Indicate the type of housing (e.g., row, walkup, semi-detached, detached) and the bedroom distribution (i.e., number of one-bedroom units, two-bedroom units, etc.) that is proposed, and the number of units (if any) to be designed specifically for elderly or handicapped occupancy;

(v) Include an estimate of the cost of administration attributable to the proposed project, and provide a basis for such estimate;

(vi) Provide estimates of the average gross family contribution to be paid by families (not to exceed 25 percent of estimated adjusted family income as defined by HUD) and of utility allowances for utilities to be paid directly by families;

(vii) Indicate whether the LHA intends to meet the unit limitation described in § 1276.103(k)(2) and provide an indication of ability to meet this condition, including evidence of owner/rehabilitator interest;

(viii) Indicate the maximum rents to be offered to owners and, if the gross rents (rent to owner plus utility allowance for tenant-paid utilities) exceed current applicable fair market rents (as allowed in § 1276.103(e)), provide justification for such excess;

(ix) Indicate whether the LHA has adopted and implemented an approved tenant selection and assignment plan in

[‡] See HM 7465.10—New Definition of Income—Implementation of section 208 of the Housing and Urban Development Act of 1970.

compliance with Title VI of the Civil Rights Act of 1964.

(2) HUD Regulation, Project Selection Criteria (24 CFR 200.700), is not applicable; however, see § 1276.209 for required site and neighborhood standards.

(3) Advice and assistance in the preparation of the application are available from the local HUD field office.

(b) *Income limits and rent schedules.* (1) LHAs not having previously approved income limits and rent schedules shall submit income limits and rent schedules, in accordance with applicable HUD requirements, for approval with their applications for a substantial rehabilitation program.

(2) It is the incomes from families expected to be housed in the units applied for, not the income limits, that is more significant in enabling HUD to determine assistance requirements and the approvability of a particular application. The LHA shall, therefore, provide accurate estimates of anticipated family income and achievable per unit rents to be paid by the families expected to be assisted. In making this estimate, the LHA shall utilize such information as incomes, after deductions and exemptions in accordance with LHA policies, of families on updated, current waiting lists, and rents being paid by tenants in other leased and non-leased units operated by the LHA, as well as incomes of families expected to be housed under the income limits established for the Housing Assistance Payments Program.

§ 1276.203 HUD review and approval of application.

(a) *Review of application.* The appropriate HUD field office shall review the application to determine whether: there is need for assistance for the number of units applied for; the necessary conditions for approval of a substantial rehabilitation program are met; the estimates of the cost of administration and utility allowances are realistic and allowable by HUD; the reasonably anticipated average gross family contribution is realistic and sufficient in view of the limitation described in § 1276.103(g)(5); and the LHA is in compliance with all equal opportunity requirements. If deemed appropriate, HUD shall make adjustments in size of program, bedroom distribution, the allowance for the cost of administration, utility allowances, or family contributions. Such adjustments shall be accepted by the LHA in order to receive application approval. Where the LHA is found to be in noncompliance with any equal opportunity requirements, appropriate action to effectuate compliance shall be taken.

(b) *Selection of applications for approval.* At least every two months, each HUD office will establish a list of all applications found approvable prior to the date the office has set for establishing such list. The applications will be ranked in accordance with criteria (other than the priority to be given to applications meeting the 20 percent limitation described in § 1276.103(k)(2)) established by the office. Applications shall be selected for approval (issued a Notification of Application Approval) in sequence from the top of the list. When an application is reached which is neither for the elderly (or handicapped) nor for 25 or fewer units and which does not meet the 20 percent limitation, the next application, if any, which does meet the 20 percent limitation, shall be selected ahead of such application; but no application for an elderly (or handicapped) program or for a program of 25 or fewer units shall be denied approval by reason of selection of the application meeting the 20 percent limitation.

(c) *Approval or disapproval of application.* Upon completion of its review and selection, HUD shall notify the LHA by letter that the application is approved, is approvable but insufficient contract authority precludes issuance of a Notification of Application Approval, can be approved if the LHA adopts, within 30 days, the changes required by HUD, or is disapproved. If the application is disapproved, the letter shall indicate in detail the reasons for disapproval. If the application is approved, the LHA shall be so notified utilizing the prescribed form (see § 1276.204 (a) and (b)).

§ 1276.204 Development procedures.

(a) *Programs involving 20 percent or less assisted units.* If an LHA applied for and received approval of a program subject to the 20 percent limitation described in § 1276.103(k)(2), the prescribed HUD form shall advise the LHA that it may select an owner/rehabilitator willing to contract for such housing on a negotiated basis. Such owner/rehabilitator proposal(s) shall comply with the requirements of § 1276.208 with respect to proposal contents; however, the provisions of §§ 1276.205, 1276.206, and 1276.207 relating to preparation of a Rehabilitation Program Packet, Public Notice and Submission of Preliminary Proposals shall not be applicable to such projects. The proposal(s) shall be submitted by the LHA to the appropriate HUD field office for approval and shall be review by HUD to determine acceptability in accord with § 1276.211, and all development and operation procedures contained in §§ 1276.212 through 1276.219 shall be applicable.

(b) *Programs involving more than 20 percent assisted units.* If an LHA applied for and received approval of a program not subject to the 20 percent limitation described in § 1276.103(k)(2), the prescribed HUD form shall instruct the LHA to prepare a Rehabilitation Program Packet to be distributed to owners/rehabilitators who respond to the LHA's Public Notice. The Public Notice shall be published by the LHA upon HUD approval of the Rehabilitation Program Packet. (See §§ 1276.205 through 1276.208 for development procedures relating to preparation of the Rehabilitation Program Packet, Public Notice and submission of Preliminary and Final Proposals).

§ 1276.205 Preparation and contents of rehabilitation program packet.

HUD shall assist the LHA in preparing the Rehabilitation Program Packet and shall provide the LHA with copies of all HUD standards, regulations and forms which are to be included in the Packet. The Rehabilitation Program Packet, which shall be approved by HUD, shall be available for distribution at the time of the first publication of the Public Notice. In addition to a copy of the Substantial Rehabilitation Program Handbook, the Rehabilitation Program Packet shall:

(a) Include the following information as to the housing required:

(1) The number of units and bedrooms per unit and the fact that a proposal may be for any number up to that amount.

(2) The number of units for elderly and non-elderly occupancy.

(3) The type of housing (row house, elevator apartment, detached, etc.) for family and elderly occupancy, as appropriate.

(4) The requirement that each unit include the facilities and equipment required by, and be otherwise rehabilitated to, HUD standards and § 1276.102(a).

(5) Community space and outdoor recreational facilities requirements, if any.

(b) Include statements as to:

(1) The requirement that there be no identity of interest between the owner and the LHA, or the management agent, if any, and the LHA. (This does not preclude contracting with LHAs as provided in § 1276.103(p).)

(2) The necessity to comply with all site and neighborhood standards set forth in § 1276.209; the neighborhoods in which proposals will be considered; and any special requirements as to the type of location desired consistent with the standards set forth in § 1276.209.

(3) Maximum initial term of the Contract, and the fact the maximum approvable term, including renewals, will be determined in accordance with the standards of § 1276.103(f)(2).

(4) The requirement that management, ordinary and extraordinary maintenance, utilities (except where paid directly by tenants), taxes, and insurance are to be the responsibility of the owner, except that where the owner can demonstrate that adequate management, maintenance, or operation services are not otherwise available in the locality, he may contract with the LHA as provided in § 1276.103(p).

(5) The specific management and maintenance services required to be provided by the owner. Such services shall include all services typically provided in the locality for the type of housing contemplated.

(6) The requirement that the owner submit evidence of capability of providing the required management and maintenance services, or if the proposal is for 15 or more units, evidence of management capability and a proposed management program in accordance with the requirements of Appendix V of this Part.

(7) Maximum gross rents (including all utilities, range and refrigerator), by number of bedrooms per unit, that the LHA will consider, and a statement to the effect that, if families are to pay directly for some or all utilities, the maximum rents will be adjusted downward by a HUD approved utility allowance covering such utilities, such utility allowance to be based on a specified type of utility and method of distribution (utility combination).

(8) The requirement that the rents requested by the owner must be determined to be reasonable in relation to the quality, location, amenities, and management and maintenance services of the proposed housing, and taking into account the fact that the rents which may be paid for substantially rehabilitated units will be expected to fall below those that may be paid for new units except in the case of particularly well located units with little or no functional obsolesence which provide physical facilities and services comparable to those offered by newly constructed units.

(9) The requirement that the LHA shall be responsible only for the housing assistance payment to the owner and only for those units under lease by eligible families.

(10) The requirement that, if the developer intends to utilize HUD mortgage insurance, as permitted in § 1276.103(n), he must submit an application for such insurance to the appropriate Insuring Office in accordance with all normal requirements, and that review of his proposal under the section 23 program by the LHA and approval by HUD in no way substitute for required processing procedures under the applicable HUD mortgage insurance program.

(c) Call attention to and supply detailed information concerning:

(1) Applicability of the HUD Minimum Design Standards for Rehabilitation for Residential Properties. These standards specify minimum acceptability and constitute a floor for design and planning. They do not prohibit utilizing higher standards. Proposed rehabilitation should also comply with special requirements due to local climatic, topographic or environmental conditions.

(2) HUD relocation requirements.

(3) Equal opportunity requirements, which include the submission of an Affirmative Fair Housing Marketing Plan (if the proposal is for 5 or more units), a signed assurance of compliance with Title VI of the Civil Rights Act of 1964, and compliance with Executive Order 11063, Title VIII of the Civil Rights Act of 1968, including regulations and guidelines pursuant thereto, and, in bid condition areas, certifications required pursuant to Executive Order 11246.

(4) HUD regulations and other requirements implementing section 3 of the Housing and Urban Development Act of 1968 that, to the greatest extent feasible, opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the project.

(5) HUD requirements implementing the National Environmental Policy Act.

(6) The prescribed form of Agreement to Enter Into Housing Assistance Payments Contract and the prescribed form of such Contract (see Appendices XI and XII respectively).

(7) The number of copies of the proposal to be submitted to the LHA.

(8) The latest date by which Preliminary Proposals must be received by the LHA and that there exists no obligation to select any of the proposals received.

§ 1276.206 Public notice.

(a) *Authorization to publish.* Upon approval of the Rehabilitation Program Packet by HUD, the HUD field office shall transmit to the LHA a Public Notice which shall conform to Appendix IV. The LHA is authorized to publish the Notice immediately upon receipt.

(b) *Publication of notice.* The LHA shall publish the Notice at least once a week for two consecutive weeks in a newspaper of general circulation within the locality. The LHA shall also notify appropriate business concerns included in HUD's registry of section 3 businesses for the applicable political jurisdiction. The LHA shall also utilize other nonminority and minority media, publish the Notice in trade association journals, and/or send copies of the Notice to active developers and builders.

(c) *Deadline date for receipt of preliminary proposals.* The deadline date for receipt of Preliminary Proposals shall be no earlier than 14 days after the date of the last publication in the newspaper of general circulation and it shall allow sufficient time for the preparation and submission of Preliminary Proposals for all the units authorized by HUD.

(d) *Copies of published notice.* Prior to the dealine date for the receipt of Preliminary Proposals, the LHA shall provide HUD with two certified copies of each published Public Notice and a statement of other publicity methods used. One copy of the Public Notice shall be available in the LHA's office for public inspection.

(e) *Periodic evaluation of preliminary proposals.* The LHA need not wait until after the deadline date to begin evaluation of Preliminary Proposals. The LHA may review and evaluate the Preliminary Proposals as received but shall not request preparation of any Final Proposals until it has reviewed and evaluated all the Preliminary Proposals received by the deadline date.

(f) *Nondisclosure of information.* In order to provide all interested owners/rehabilitators with an equal opportunity to prepare Preliminary Proposals, the contents of the Public Notice or requirements to be included in the Rehabilitation Program Packet shall not be disclosed prior to publication.

(g) *Assistance after publication of notice.* Although the information in the Rehabilitation Program Packet should be sufficient to enable an owner/rehabilitator to prepare a Preliminary Proposal, an owner/rehabilitator may request clarification from the LHA of the information contained in the Packet.

§ 1276.207 Preliminary proposals.

(a) *Submission and contents.* Any interested owner/rehabilitator may respond to the Public Notice by submitting a Preliminary Proposal to the LHA. Such Preliminary Proposals shall be of sufficient detail to enable the LHA to make the following determinations:

(1) That the site and neighborhood standards and requirements will be met;

(2) That the size and type of units will be in accord with the requirements of the Public Notice and the Rehabilitation Program Packet;

(3) That the proposed rehabilitation will be adequate in order for the units to satisfy the standards set forth in § 1276.102(a) and the HUD Minimum Design Standards. (A statement shall be included as to whether or not the services of a registered architect will be utilized for the preparation of final working drawings and specifications.)

(4) That the maximum gross rents will not exceed the HUD established fair market rents, except where approved in accord with § 1276.103(e);

(5) That the rents to the owner will be reasonable in relation to the quality, location, amenities and management and maintenance services of the proposed housing and taking into account the fact that the rents which may be paid for substantially rehabilitated units will be expected to fall below those that may be paid for new units except in the case of particularly well located units with little or no functional obsolescence which provide physical facilities and services comparabe to those offered by newly constructed units.

(6) That the requested term of the Contract is approvable in accordance with § 1276.103(f)(2);

(7) That the owner/rehabilitator will be prepared to meet all the obligations of the prescribed Agreement and Contract;

(8) That there is no identity of interest between the owner/rehabilitator and the LHA. Any Preliminary Proposal which includes the use of a management agent having an identity of interest with the LHA shall be unacceptable with respect to the management program (this does not preclude contracting with LHAs as provided in § 1276.103(p)).

(9) That all applicable Equal Opportunity requirements, including section 3 of the Housing and Urban Development Act of 1968 and the regulations issued pursuant thereto, can be satisfied.

(b) *Selection.* (1) After the deadline date, the LHA shall select from the Preliminary Proposals those on which it has made affirmative findings in accordance with paragraph (a) of this section and which in its judgment can be developed into Final Proposals meeting the requirements of the Rehabilitation Program

Packet. If the nature and extent of the rehabilitation are such that, in the judgment of the LHA, the services of a registered architect should be utilized, and the Preliminary Proposal has not indicated an intention to utilize such services, the LHA's selection of such proposal should be made subject to compliance with this requirement.

(2) If the number of units covered by the Preliminary Proposal(s) that have been selected in accordance with paragraph (b)(1) of this section is equal to or less than the number of units approved in the LHA's Application, the LHA shall request all the owners/rehabilitators concerned to prepare Final Proposals in accordance with § 1276.208. When there is a need for more Preliminary Proposals, the LHA may issue another Public Notice for the remaining number of units but otherwise on the same terms and conditions, but this shall not delay the further processing of those Preliminary Proposals that have been selected as a result of the prior Public Notice.

(3) If the number of units covered by the Preliminary Proposal(s) that have been selected in accordance with paragraph (b)(1) of this section exceeds the number of units approved in the LHA's Application, the LHA shall determine which Preliminary Proposal(s) should be excluded based upon a comparative evaluation of all relevant factors; provided, however, that the LHA shall not exclude a Preliminary Proposal with lower gross rents than the others without specific justification for doing so.

(4) In the event any selected Preliminary Proposal(s) fails, for any reason, to result in an executed Agreement, the LHA may request the preparation of a Final Proposal(s) with respect to any Preliminary Proposal that was excluded under paragraph (b)(3) of this section or issue another Public Notice for the remaining number of units but otherwise on the same terms and conditions.

(5) For every Preliminary Proposal which is rejected or excluded for any reason, the LHA shall prepare a written analysis and statement of reasons which shall be held available for public inspection in the LHA office for at least three years following the deadline date for receipt of Preliminary Proposals.

(6) Owner/rehabilitators whose Preliminary Proposals were not accepted by the LHA shall be sent a letter notifying them of such fact and shall be provided with a copy of the appropriate analysis.

§ 1276.208 Final proposals.

(a) *Notification.* With respect to those Preliminary Proposals which have been selected in accordance with § 1276.207 (b), the LHA shall give written notification to the owners/rehabilitators requesting them to submit to the LHA within a reasonable time (to be specified by the LHA in the notification) a Final Proposal in accordance with the requirements of the Rehabilitation Program Packet and the following provisions of this § 1276.208.

(b) *Content.* Each Final Proposal shall indicate or include:

(1) The number of units, by unit size (number of bedrooms) proposed to be rehabilitated and made available for leasing by eligible families;

(2) The address(es) of the housing proposed to be rehabilitated; photos of exterior(s) and interior(s); and a neighborhood map showing the location(s) of the housing and the racial composition of the neighborhood(s);

(3) A copy of evidence of ownership or other effective control of the property to be rehabilitated;

(4) Sketches showing present layout and interior dimensions of the unit or of different size units and, if changes are proposed, floor plans showing layout and interior dimensions after rehabilitation;

(5) A description of the rehabilitation proposed, in sufficient detail (including plans, drawings and specifications to the extent necessary) to provide sufficient basis for: (i) a determination by the LHA and HUD that the proposal meets the requirements of the § 1276.102(a) and HUD Minimum Design Standards and (ii) a determination by the LHA and HUD that after completion of the rehabilitation the rehabilitated housing will meet those requirements.

(6) A completed HUD Environmental Information Form.

(7) A statement as to whether the proposed rehabilitation is expected to displace families, individuals, or business concerns who were occupants on the date of the LHA's notification pursuant to paragraph (a) of this section; the number of such occupants to be displaced (identified by race or minority group status); an estimate of relocation payments; and a statement that (i) the owner/rehabilitator recognizes the relocation requirements that apply if the proposed rehabilitation will cause displacement, will assume full responsibility for the funding of all relocation payments to displaced occupants pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and will comply with all relocation requirements pursuant to that Act, or (ii) other commitments, which the owner believes to be satisfactory to HUD, have been made for the funding of such relocation payments. In the latter case, the owner shall specify such other commitments.

(8) Submission of an Affirmative Fair Housing Marketing Plan (if the proposal is for the rehabilitation of 5 or more units); a signed assurance of compliance with Title VI of the Civil Rights Act of 1964, and, in bid condition areas, certifications required pursuant to Executive Order 11246.

(9) Submissions as required by HUD regulations and other requirements pursuant to section 3 of the Housing and Urban Development Act of 1968.

(10) Submission of evidence of capability of providing the required management and maintenance services and a list of those services; or if the proposal is for 15 or more units, evidence of management capability and a proposed management program as required by Appendix V of this Part, which shall include both a statement that all the management and maintenance services required by the LHA will be provided and a list of those services. If the owner proposes to contract with the LHA (see § 1276.103 (p)) he shall demonstrate that adequate management, maintenance, or operation services are not otherwise available in the locality and attach a proposed contract, specifying the proposed fee.

(11) A statement that none of the types of financing prohibited in § 1276.103(n)(2) will be utilized.

(12) Who the rehabilitator and the owner/lessor will be; the qualifications and experience of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest, using the prescribed form.

(13) That the proposed rehabilitation will be permissible under applicable zoning, building, housing or other codes, ordinances or regulations.

(14) The gross rents required by unit size, the portion of such rents attributable to each utility, and which utilities, if any, are to be paid directly by the families.

(15) The term of the Contract and justification for such term in accordance with § 1276.103(f)(2).

(16) The anticipated time required for rehabilitation of the housing after the Agreement is signed (if the rehabilitation is to be completed in stages, identification of the units comprising each stage and the estimated dates for commencement and completion of each stage).

(17) A statement as to whether or not the services of a registered architect will be utilized for preparation of final working drawings and specifications; and, if not, a justification if the LHA had previously determined that such services be utilized.

§ 1276.209 Site and neighborhood standards.

(a) Proposed sites for substantially rehabilitated housing must be approved by HUD as meeting the following standards:

(1) The sites and neighborhoods shall be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 (and of Executive Order 11063 with respect to creed), and HUD regulations issued pursuant thereto.

(2) The site shall not be subject to serious adverse environmental conditions, or, if such conditions exist, there is evidence that they will be corrected by the time the rehabilitation is completed.

(b) The housing shall be accessible to social, recreational, educational, commercial, and health facilities and services, and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unsubsidized,

standard housing of similar market rents.

(c) Travel time and cost via public transportation or private automobile, from the neighborhood to places of employment providing a range of jobs for lower income workers, is not excessive. (While it is important that elderly housing not be totally isolated from employment opportunities, this requirement need not be adhered to rigidly for such housing.)

(d) If the housing to be rehabilitated has occupants the owner and/or rehabilitator must voluntarily undertake liability for and provide for the funding of all relocation payments (see section 1.7 of the Agreement) unless other commitments, satisfactory to HUD, are made for the funding of such payments.

(e) Housing may not be rehabilitated in an area that has been identified by HUD as having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless the housing is covered by flood insurance as required by the Flood Disaster Protection Act of 1973.

§ 1276.210 Prohibition of use of preselected properties.

With the exception of properties in Urban Renewal areas, the use of preselected properies, i.e., properties designated by the LHA for rehabilitation and held under options transferable to a selected owner/rehabilitator, is prohibited. Where needed to meet special situations, a waiver of this prohibition on a case basis may be provided by the Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner upon receipt of appropriately documented justification and recommendations for approval from the appropriate HUD field office and the appropriate HUD Regional Office.

§ 1276.211 Evaluation of final proposals.

(a) *Identity of interest.* Any Final Proposal from an owner/rehabilitator having an identity of interest with the LHA shall not be eligible for consideration. Any Final Proposal which includes the use of a management agent having an identity of interest with the LHA shall be unacceptable with respect to the management program (this does not preclude contracting with LHAs as provided in § 1276.103(p)).

(b) *LHA evaluation of final proposals.* (1) The LHA shall evaluate each Final Proposal utilizing the LHA Review Checklist for section 23 Substantial Rehabilitation Final Proposals (shown as Appendix VI) on the basis of all pertinent factors, including but not limited to: Location; potential for rehabilitation; rents to owners; capability and responsibility of the owner/rehabilitator; management capability of the owner and/or management agent, or, where applicable, the acceptability of the proposed management contract with the LHA; and compliance with equal opportunity requirements and with requirements for provision of employment, training and business opportunities in the project area.

(2) The LHA shall submit to the appropriate HUD field office each Final Proposal which it determines to be acceptable together with its evaluation. If a Final Proposal involves relocation of occupants, the LHA shall furnish data on relocation housing resources and other required submissions. Advice and assistance on matters related to relocation may be obtained from the field office.

(c) *HUD evaluation of final proposals.* Upon receipt HUD shall evaluate the submitted proposal(s) and send a copy of the owner/rehabilitator completed HUD Environmental Information Form to the appropriate A–95 Clearinghouse for review, if applicable.

(d) *HUD determination.* HUD shall notify the LHA as to whether the proposal is:

(1) Approved.

(2) Approvable only if the proposed rents are reduced to specified amounts without reducing the quality of the rehabilitation; that HUD will approve the proposal if it receives within a specified time evidence that the rents have been so reduced and that the quality of the rehabilitation will not be reduced; and that the LHA may notify the owner/rehabilitator in accordance with such determination.

(3) Approvable only if specified deficiencies are corrected; that HUD will approve the proposal if it receives within a specified time evidence of such necessary corrections; and that the LHA may notify the owner/rehabilitator in accordance with such HUD determination.

(4) Not approved. If a proposal is not approved or if the conditions for approval under paragraphs (d)(2) and (d)(3) of this section are not met, the LHA shall notify the owner/rehabilitator of such fact and it may proceed in accordance with § 1276.207(b)(4).

A copy of any notification to the owner/rehabilitator required in paragraphs (d)(2), (d)(3) and (d)(4) of this section shall be sent to the HUD field office.

§ 1276.212 Notification of approval of final proposal.

(a) *Notification by LHA.* Upon receipt by the LHA of HUD approval, the LHA shall notify the owner/rehabilitator of the approval of his Final Proposal, using the prescribed form of letter (Notification of Approval) shown as Appendix VIII. Upon acceptance of the Notification by the owner/rehabilitator, the LHA shall immediately transmit a copy of the accepted Notification to the HUD field office together with a copy of the LHA's resolution approving the Final Proposal. If the owner/rehabilitator does not accept the Notification by the date specified, the LHA may rescind the Notification and proceed in accordance with § 1276.207(b)(4).

(1) If the estimate of relocation payments provided in the Proposal (see § 1276.208(b)(7)) is determined by HUD to be inaccurate, the owner/rehabilitator shall be advised in the Notification of Approval as to the correct amount.

(2) If the services of a registered architect are to be used, the Notification of Approval to the owner/rehabilitator shall advise him that before the LHA may obtain an ACC from HUD or enter into an Agreement, the owner/rehabilitator shall submit to HUD and the LHA the architect's certification required in the Notification. Such certification shall be prepared by the architect responsible for the preparation of final working drawings and specifications. If the owner/rehabilitator fails to submit the certification by the date specified in the letter, the LHA shall rescind the Notification (and it may proceed in accord with § 1276.207(b)(4)) unless it determines that a reasonable extension of time should be granted. A copy of the letter of extension or recision shall be transmitted to HUD.

(b) *Availability of LHA analysis of final proposals.* The LHA analysis of each approved Final Proposal shall be held available for public inspection in the LHA office for at least three years following the Notification of Approval.

§ 1276.213 Annual Contributions Contract.

After receipt of a copy of the accepted Notification and the architect's certification, where such certification is required, the HUD field office shall prepare the Annual Contributions Contract, shown as Appendix X. The Annual Contributions Contract shall be transmitted to the LHA for execution and return to HUD. This transmittal shall advise the LHA that it must simultaneously submit for HUD approval its Initial Estimate of Required Annual Contributions (Preliminary Costs) and an Estimate of Total Required Annual Contributions for HUD approval (see § 1276.105(a)).

§ 1276.214 Agreement to enter into housing assistance payments contract.

(a) *Preparation of agreement.* The Agreement shall be prepared by HUD at the time the Annual Contributions Contract is prepared (see § 1276.213), utilizing the prescribed form shown in Appendix XI to this Part. The Agreement shall include but not be limited to, the following:

(1) A description of the property and the rehabilitation to be accomplished.

(2) An attachment of the proposed Contract, complete in all respects except for execution, which shall specify the amount of rent to owner and conform to the prescribed form shown as Appendix XII to this Part.

(3) Rehabilitation initiation and completion dates, including initiation and completion dates of stages if staged completion is agreed to.

(4) How completion of rehabilitation shall be evidenced (see § 1276.215(a)).

(5) A provision that the owner may not:

(i) Make any sale, assignment, or conveyance or transfer in any other form of his interests in the Agreement or the housing except:

(A) With the prior consent of the LHA and HUD; or

(B) To a financial institution for the purpose of obtaining financing.

(ii) Change to a different rehabilitator from the one named in the Agreement without prior consent of the LHA and HUD.

An assignment by the owner to a limited partnership of which the owner is the general partner shall not be considered an assignment hereunder.

(6) Provisions that the owner shall comply with relocation requirements as set forth in applicable HUD issuances, HUD Equal Opportunity (including equal employment opportunity) requirements as set forth in applicable HUD issuances and regulations, and the requirements of section 3 of the Housing and Urban Development Act of 1968 and regulations issued pursuant thereto in regard to providing opportunities for training and employment to lower income residents of the project area, and in regard to awarding contracts to business concerns located in, or owned in substantial part by residents of, the project area.

(b) *Execution of agreement.* After receipt of the LHA-executed ACC, accompanied by the Estimates of Required Annual Contributions, HUD shall review the Estimates and, if approved, execute the ACC. HUD shall then transmit a fully executed copy of the ACC to the LHA, together with four copies of the unexecuted Agreement. After execution of the Agreement by the LHA and the owner, a copy shall be returned to HUD.

(c) *Rehabilitation work.* Upon execution of the Agreement, the owner/rehabilitator shall promptly proceed with rehabilitation work as provided in the Agreement. In the event the work is not so commenced and/or diligently continued, the LHA shall have the right to cancel the Agreement, subject to HUD approval. Where the financing is secured by a HUD-insured mortgage, required HUD inspection procedures shall be followed.

§ 1276.215 Completion of rehabilitation.

(a) *Notification of completion.* Upon completion of the rehabilitation, the owner shall notify the LHA and HUD that the work is completed and shall submit to the LHA the evidence of completion described in paragraph (b) of this section.

(b) *Evidence of completion.* Completion of the rehabilitation shall be evidenced by the following:

(1) A certificate of occupancy and/or other official approvals necessary for occupancy;

(2) A certification by the owner, supported by the owner's warranty in section 1.1c of the Contract, and a separate certification by the registered architect (if working drawings and specifications for the work were prepared and certified to by a registered architect), that:

(i) All work has been completed in accordance with the requirements of the Agreement;

(ii) The rehabilitated housing is in good and tenantable condition;

(iii) There are no defects or deficiencies other than ordinary punchlist items. If there are punchlist items, the owner shall (as agreed to by the LHA, the owner and HUD) make a deposit in escrow to cover such items. In such case, if the owner fails to complete the punchlist items within a reasonable time to the satisfaction of the LHA, the LHA may, upon 30 days notice and with the approval of HUD, terminate the Housing Assistance Payments Contract.

(c) *HUD inspection.* (1) Within ten working days of the receipt of the owner's notification of completion, the LHA representative, accompanied by a HUD representative, shall inspect the property and review the evidence of completion listed in paragraph (b) of this section. As promptly as possible HUD shall notify the LHA as to whether or not the rehabilitation has been satisfactorily completed and whether the requirements of § 1276.216(a) have been complied with.

(2) If it is determined that the rehabilitation has not been satisfactorily completed, HUD shall notify the LHA and advise it of the corrective action needed.

(3) In the event the owner disputes HUD's finding, he may submit the controversy to third-party arbitration, at his expense, provided that the arbitration is advisory only.

(4) Prior to authorizing execution of the Housing Assistance Payments Contract, HUD shall verify that appropriate corrective action has been taken.

(d) *Staged completion.* If the rehabilitation is to be completed in stages, the procedures of paragraphs (a), (b), and (c) of this section shall apply to each stage.

§ 1276.216 Execution of housing assistance payments contract.

(a) Prior to HUD's authorization of execution of the Housing Assistance Payments Contract, the owner must certify in writing that there has been no change in the evidence of management capability, or in the proposed management program (if one was required), as specified in his proposal other than changes approved in writing by the LHA and HUD in accordance with section 1.3 of the Agreement.

(b) If HUD determines that the rehabilitation has been satisfactorily completed in accordance with the provisions of § 1276.215 and approves such certification and the changes, if any, as to the evidence of management capability and management program, HUD shall authorize execution of the Contract.

(c) Upon receipt of authorization from HUD, the LHA shall execute the Housing Assistance Payments Contract with the owner and transmit a copy of the executed Contract to the HUD field office for approval. If the Contract is found approvable, an approved copy shall be returned to the LHA. If the Contract is not approvable, the LHA shall be notified by HUD as to the necessary changes to be made before the Contract can be approved.

§ 1276.217 Project operation.

(a) *Occupancy.* Marketing by the owner and determinations of family eligibility and approval of owner-family leases by the LHA shall begin no later than 60 days prior to completion of rehabilitation and be accomplished so as to achieve rapid occupancy.

(b) *Compliance with equal opportunity requirements and applicable LHA admission regulations.* If the owner was required to submit an Affirmative Fair Housing Marketing Plan (see § 1276.205 (c)(3)), marketing of units and selection of families by the owner shall be in accordance with the owner's HUD-approved Affirmative Fair Housing Marketing Plan. In all cases, such marketing and selection of families shall be in accordance with all regulations relating to fair housing advertising including use of the equal opportunity logotype, statement, and slogan in all advertising, and with applicable LHA regulations establishing admission policies, including policies, if any, carrying out its responsibility for rehousing displaced families. Projects shall be managed and operated without regard to race, color, creed, religion, sex, or national origin.

(c) *Selection of families for participation.* The owner shall be responsible for selection of families, subject to certification of eligibility by the LHA. The owner shall request the LHA, in accordance with procedures to be agreed upon by the owner and the LHA, to certify the eligibility of a selected family and to approve the proposed owner-family lease. Such request shall be made by submitting to the LHA the Determination of Family Eligibility and Lease Approval, shown as Appendix XIII to this Part. The owner and the family shall complete Part I of the form, Request for Determination, and submit, with the request, the proposed owner-family lease, complete except for execution and the amount of rent payable by the family.

(d) *LHA Determination of family eligibility and lease approval.* Within the time period specified in the Agreement and the Contract, the LHA shall return a copy of Part II of Appendix XIII, Authority Determination, to the owner and the family indicating one of the following:

(1) That additional, specified information is required from the owner to enable the LHA to make its determination.

(2) That the family is eligible, as evidenced by a Certificate of Family Participation (Part III of Appendix XIII) issued and signed by the LHA, and that the dwelling unit specified in the lease and the lease itself meet program requirements and are approved. (See paragraph (e) of this section for lease requirements.) The owner shall thereupon notify the family that it may occupy the leased unit on a stated date after signing the Certificate and after execution of the lease and the Security Deposit Agreement, if any, shown as Appendix XVI. A

copy of each signed document shall be returned to the LHA by the owner.

(3) That the request cannot be approved because the family is not eligible or the dwelling unit or the proposed lease does not meet program requirements.

Records on applicant and certified families shall be maintained by the LHA so as to provide HUD with racial and ethnic data.

(e) *Lease requirements.* The owner-family lease shall contain all required provisions specified in Section 1.11 of the Contract and none of the prohibited provisions listed in paragraph (e) (2) of this section and shall otherwise conform to the terms of the Contract and the provisions of this Part.

(1) *Term of lease.* The term of the lease shall be for not less than one year and shall generally be for not more than one year, but may contain a provision permitting termination upon 30 days advance written notice by either party. The specified lease term, including specified renewal options, if any, shall in no case exceed five years or the term of the Housing Assistance Payments Contract (see Section 1.5 of Contract, whichever is shorter.

(2) *Prohibited provisions.* Lease clauses which fall within the classifications listed below shall not be included in any owner-family lease.

(i) *Confession of judgment.* Constitutes prior consent by tenant to any lawsuit the landlord may bring against him in connection with the lease and to a judgment in favor of the landlord.

(ii) *Distraint for rent or other charges.* Agreement by tenant that landlord is authorized to take property of the tenant and hold it as a pledge until the tenant performs the obligation which the landlord has determined the tenant has failed to perform.

(iii) *Exculpatory clauses.* Agreement by tenant not to hold the landlord or landlord's agents liable for any acts or omissions whether intentional or negligent on the part of the landlord or the landlord's authorized representatives or agents.

(iv) *Waiver of legal notice by tenant prior to actions for eviction or money judgments.* Agreement by tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed, thus preventing the tenant from defending against the lawsuit.

(v) *Waiver of legal proceedings.* These clauses authorize the landlord to act to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred, without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

(vi) *Waiver of jury trial.* These clauses authorize the landlord's lawyer to appear in court for the tenant and waive the right to a trial by jury.

(vii) *Waiver of right to appeal judicial error in legal proceedings.* These clauses authorize the landlord's lawyer to waive the right to appeal for judicial error in any suit or the right to file a suit in equity to prevent the execution of a judgment.

(viii) *Tenant chargeable with costs of legal actions regardless of outcome.* These clauses provide that the tenant agrees to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court determines that the tenant prevails in the action. (Omission of such clause does not mean that the tenant as a party to a lawsuit may not be obligated to pay attorney's fees or other costs if he loses the suit.)

(f) *Continued family participation.* A family must continue to occupy its approved unit to remain eligible for participation in the Housing Assistance Payments Program except under the following conditions. If the family (1) wishes to vacate its unit at the end of the lease term (or prior thereto but in accordance with the provisions of the lease) in order to move to another approvable unit, or (2) is required to move for reasons other than violation of the lease on the part of the family (as determined by the LHA), and wishes to move to another approvable unit, the family shall be given a new Certificate of Family Participation providing for housing assistance payments for occupancy of such other unit, if:

(i) The family provides reasonable notice (at least 30 days) to the LHA of its intention to vacate;

(ii) The LHA determines that the family is in compliance with the provisions of the lease, including provisions requiring notice to the owner, if applicable;

(iii) The LHA determines that the family continues to be eligible for such assistance;

(iv) The LHA determines that the family is meeting its obligations for repayment of security deposits, if any; and

(v) The LHA has sufficient funds under its Annual Contributions Contract.

(g) *Inapplicability of low-rent public housing model lease and grievances procedures.* Model lease and grievances procedures estabilshed by HUD for LHA-owned low-rent public housing are not applicable to the section 23 Housing Assistance Payments Program.

(h) *Units not leased to eligible families.* (1) If at any time, beginning three months after the execution of the Contract, the owner fails for a continuous period of three months to have at least 80 percent of the Contract units leased by eligible families, the LHA shall refer to the owner available eligible families interested in leasing his units. If the LHA makes such referrals to the owner and the owner refuses to accept such families without good reason, in the judgment of the LHA, the LHA, with HUD approval, may on 30 days notice reduce the number of units under the Contract to not less than the number of units under lease by eligible families; provided, however, that an additional 11 percent of the number of such leased units may be allowed if the number of such leased units is 10 or more.

(2) As of the end of the initial term of the Contract and of each renewal term, the LHA, with HUD approval, may reduce the number of units under the Contract to not less than (i) the number of units under lease by eligible families at that time or (ii) the average number of units so leased during the last year, whichever is the greater number; provided, however, that an additional 11 percent of the number (or average number as the case may be) of such leased units may be allowed if the number of such leased units is 10 or more.

(3) Whenever the LHA has grounds for taking action to reduce the number of units under the Contract pursuant to paragraphs (h) (1) or (h) (2) of this section, the LHA shall promptly report the circumstances to the HUD field office with its recommendation, and the LHA shall thereafter take such action as HUD may approve or direct.

(4) In the event of any reduction in the number of units under the Contract, in accordance with this paragraph, the LHA and HUD shall amend the ACC to reduce the amount of annual contributions payable thereunder to an amount commensurate with the lower number of units covered by the Contract.

§ 1276.218 HUD review of contract compliance.

No later than 6 months after execution of the Housing Assistance Payments Contract for the project, HUD shall review project operations to ensure that the owner and the LHA are in full compliance with the terms and conditions of the Contract. Subsequent reviews shall be scheduled as necessary.

§ 1276.219 LHA reporting requirements [Reserved].

NOTE.—Appendices I, II, and III, which relate to internal HUD processing procedures, are not included herein, but do appear in the HUD Substantial Rehabilitation Program Handbook.

APPENDIX IV—PUBLIC NOTICE

The Housing Authority of _____[1] invites the submission of Preliminary Proposals for the rehabilitation of privately owned housing to be assisted by housing assistance payments pursuant to section 23 of the U.S. Housing Act of 1937, as amended.

The number, type, and size of units to be assisted is as follows (a Preliminary Proposal may be for all or part of these units):

Unit size (number of bedrooms)	Number of units	
	Total	Elderly

The maximum gross rents (including the cost of utilities) which the Housing Authority will consider shall not exceed the following:[2]

[1] Enter legal name of Local Housing Authority.

[2] Enter maximum gross rents approved by HUD by unit size and structure type.

Structure type	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR

Detailed guidelines, standards and procedures and the deadline date for submission of Proposals are contained in a Rehabilitation Program Packet which may be obtained by interested owners and rehabilitators from the Housing Authority, whose address is _____

APPENDIX V—MANAGEMENT AND PROPOSED MANAGEMENT PROGRAM

Owners are required to submit the following information with their proposals to enable the LHA and HUD to evaluate the management capability of the owner and/or management agent.

1. Name and location of proposed project.

2. Information on owner:

a. Name and address of owner.

b. Name, address and telephone number of person on owner's staff who would be responsible for planning and carrying out owner's overall management responsibilities for the proposed project.

c. List all HUD-assisted projects (including public housing and subsidized and unsubsidized HUD-insured projects) currently or previously owned and/or managed by the owner. For each such project state:

(1) Name and location of project.

(2) Dates owned and/or managed.

(3) Number of units.

(4) Whether family or elderly.

(5) If HUD-insured, applicable section of National Housing Act and FHA Case Number.

(6) If public housing, name of administering Housing Authority.

d. List all other projects, other than HUD-assisted projects, which are presently owned and/or managed by the owner. For each such project, list:

(1) Name and location of project.

(2) Dates owned and/or managed.

(3) Number of units.

(4) Whether family or elderly.

(5) Whether administered and/or subsidized by any agency of State or local government, and, if so, name and address of such agency.

e. Give a brief description of the owner's firm, including organizational structure, and a brief description of the owner's organizational arrangements for management of the proposed project, including supervisory relationships, lines of authority, number of personnel in the supervisory, maintenance and clerical categories, and qualifications of key personnel. Include any special factors deemed relevant to management of the proposed project.

f. Give a brief description of procedures to be used in managing the proposed project with regard to the following functions:

(1) Leasing and tenant selection procedures.

(2) Rent collections.

(3) Accounts and records.

(4) Maintenance and management services.

(5) Evictions.

g. Provide a statement that the owner will provide all management and maintenance services required by the LHA in the Developer's Packet, or the Rehabilitation Program Packet, as appropriate, and provide a list of those services.

h. If a management agent is to be used, explain organizational relationship between owner and management agent, and specific types of management functions to be performed by each.

3. Information on management agent.

If a management agent is to be used, the following shall be submitted over the signature of such agent:

(a) a statement providing all of the information required to be provided by the owner in items 2a through 2g above;

(b) a statement that the management agent has reviewed the preliminary plans for the proposed project and concurs in them from a management standpoint; and

(c) a copy of the written commitment of the management agent that he has contracted or will contract with the owner to perform the management duties.

4. A statement by the owner and the management agent, if any, that neither one has any identity of interest with the LHA.

APPENDIX VI—LHA REVIEW CHECKLIST FOR FINAL PROPOSALS—SUBSTANTIAL REHABILITATION

_____
Name of Local Housing Authority

_____
Project Number

_____
Firm Name

_____
Date Received

_____
Location of Proposed Housing

_____
Total No. of Units in Proposal

_____

This LHA has determined that this Final Proposal meets all of the requirements listed below:

1. *Location.* The location of the housing is in conformance with the requirements contained in § 1276.209 of the section 23 Substantial Rehabilitation Program Handbook and with any special requirements contained in the Rehabilitation Program Packet.

2. *Adequacy of rehabilitation.* a. It appears that the property can be rehabilitated so that upon completion, the housing will meet the requirements of the Rehabilitation Program Packet and the Section 23 Substantial Rehabilitation Program Handbook.

b. The rehabilitation that is proposed will satisfy the standards set forth in the Rehabilitation Program Packet and the section 23 Substantial Rehabilitation Program Handbook.

c. The services of a registered architect will be utilized for the preparation of final working drawings and specifications or the nature and extent of the rehabilitation are such that the services of a registered architect are not necessary.

3. *Rents and term of contract.* a. The rents to owner, plus reasonable allowances for tenant-purchased utilities, result in gross rents at or below the maximum gross rents approved by HUD.

b. The proposed rents to owner are reasonable in accordance with § 1276.103(e)(ii) of the Substantial Rehabilitation Program Handbook.

c. The term of the Contract is approvable in accordance with § 1276.103(f)(2) of the Substantial Rehabilitation Program Handbook.

4. *Credentials of the rehabilitator and/or owner.* a. The ability of the rehabilitator and/or owner as evidenced by experience in the rehabilitation of housing or in related fields is acceptable.

b. There is no identity of interest between the owner and the LHA.

5. *Management capability.* a. The owner (i) has the necessary experience and/or qualifications to carry out the required management and maintenance activities and has submitted acceptable evidence of his ability to do so; or (ii) proposes to contract with a management agent and such agent has the necessary experience and/or qualifications, and does not have an identity of interest with the LHA; or (iii) proposes to contract with the LHA for management, maintenance, or operation of the housing and has demonstrated that adequate management, maintenance and operation services are not otherwise available in the locality.

b. The management submission (if required) contained in the proposal meets all requirements of Appendix V of the section 23 Substantial Rehabilitation Program Handbook.

6. *Equal opportunity requirements.* a. The owner has submitted an Affirmative Fair Housing Marketing Plan, if required.

b. The required Title VI Assurance and any required Executive Order 11246 certifications have been submitted.

7. *Employment and business opportunities in project area.* a. An affirmative action plan for utilization of businesses in, or owned in substantial part by persons residing in, the project area has been submitted.

b. The proposal includes information with regard to the number of trainee and employment positions to be filled by lower income project area residents as required by regulations issued pursuant to Section 3 of the Housing and Urban Development Act of 1968.

8. *Relocation.* a. The estimate of relocation payments submitted with the proposal is accepted.

b. The proposal indicates that the rehabilitator and/or owner is/are fully cognizant of HUD relocation requirements under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and will meet those requirements.

c. Full funding of relocation payments involved will be provided by: (i) the rehabilitator and/or owner; or (ii) other commitments believed to be satisfactory to HUD.

9. *Other.* a. The proposal meets all requirements of the Rehabilitation Program Packet and the section 23 Substantial Rehabilitation Program Handbook.

b. Special comments, if any:

_____
_____
_____
_____
_____

(Date) (Signature of LHA Official)

_____
(Title)

NOTE.—Appendix VII, which relates to internal HUD processing procedures, is not included herein, but does appear in the HUD Substantial Rehabilitation Program Handbook.

APPENDIX VIII—NOTIFICATION OF APPROVAL—SUBSTANTIAL REHABILITATION

Date: _____

Geneltmen: This will notify you of the approval of your Final Proposal, dated _____, to provide _____[1] units of substantially rehabilitated housing at _____[2], of which _____[3] units are to be the subject of a contract by this Authority for the making of housing assistance payments on behalf of eligible low-income families leasing such units. The number, size and rents of units to be contracted for are as follows:

Unit size (number of bedrooms)	Number of units		Rents
	Total	Elderly	

This Proposal has been approved by the Department of Housing and Urban Development (HUD) and by this Authority.

Should you decide to proceed with this undertaking, you will be expected to complete the rehabilitation, in a manner acceptable to this Authority and HUD, in compliance with: (a) the requirements of the Rehabilitation Program Packet and your Final Proposal,[4] (b) all applicable State and local laws, codes, ordinances, and regulations as modified by any waivers obtained from the appropriate officials; and (c) the appropriate HUD Minimum Design Standards for Rehabilitation for Residential Properties.

If you accept this Notification, an Annual Contributions Contract (ACC) will be executed by this Authority and HUD; however, if final working drawings and specifications are to be prepared by a registered architect, the ACC will be executed following your submission to this authority not later than _____[5] a certification by the architect that the working drawings and specifications have been completed and that they meet the requirements of (a), (b) and (c) of the immediately preceding paragraph. Following execution of the ACC, an "Agreement to Enter into Housing Assistance Payments Contract" (Agreement) will be executed by you and this Authority which Agreement shall be in accordance with the form of Agreement prescribed by HUD.

[Insert the following if the rehabilitation will require the displacement of occupants.]

The amount of relocation payments under the Uniform Relocation Assistance and Real Property Acquisition Policies Act calculated by this Authority, and approved by HUD, is $_____. If you accept this Notification and as a condition to this Authority's entering into an Agreement with you, (1) you will be required to place this amount in an escrow account under the terms of which payments may be made only upon presentation of written authorization by the LHA for the purpose of meeting relocation costs or (2) HUD will have to be satisfied that other commitments have been made for the funding of such payments.

Your acceptance of this Notification constitutes a certification and agreement that (a) there will not be made any assignment, conveyance, or any other form of transfer of the property, or any interest therein, without the prior written consent of the Authority and HUD, except to a financial institution for the purpose of obtaining financing (an assignment to a limited partnership of which you are the general partner shall not be considered an assignment for this purpose), and (b) no rehabilitator or owner shall be substituted for those named in the proposal without the written consent of the Authority and HUD.

Please indicate your acceptance of this Notification by signing in the space provided and returning two copies to this office within ten days of the date of this Notification.

Yours truly,

_____
Housing Authority

By _____

Accepted: _____

Title

_____
Date

NOTE.—Appendix IX, which relates to internal HUD processing procedures, is not included herein, but does appear in the HUD Substantial Rehabilitation Program Handbook.

APPENDIX X—ANNUAL CONTRIBUTIONS CONTRACT

This Annual Contributions Contract (ACC) is entered into as of the _____ day of _____, 19__, by and between the United States of America (herein called the "Government"), pursuant to the United States Housing Act of 1937 (42 U.S.C. 1401, et seq., which Act as amended to the date of this ACC is herein called the "Act") and the Department of Housing and Urban Development Act (42 U.S.C. 3521), and _____ (herein called the "Local Authority"), which is organized and existing under the laws of the State of _____ and is a "public housing agency" as defined in the Act. In consideration of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

0.1 *Project or projects.* The Local Authority is undertaking to provide decent, safe, and sanitary housing for families of low income (further defined as "Family" or "Families" in section 2.2) in privately owned accommodations pursuant to section 23 of the Act by means of Housing Assistance Payments Contracts ("Contracts") with the persons or entities having the legal right to lease or sublease such housing ("Owners"). Such undertaking may involve an agreement for the use of housing to be constructed ("New Construction"), an agreement for the use of existing housing to be substantially rehabilitated ("Substantial Rehabilitation"), or the use of existing housing without substantial rehabilitation ("Existing Housing"). In each instance, the type of housing and the number and sizes of dwelling units with respect to which a certain maximum Annual Contributions commitment is made shall constitute a Project hereunder and shall be identified by a stated Project number.

0.2 *Part I and Part II of this annual contributions contract.* (a) Certain provisions of this ACC, principally those which are specifically applicable to a designated Project, are contained in Part I. Separate forms of Part I are used for different types of Projects (i.e., New Construction, Substantial Rehabilitation, and Existing Housing). A separate Part I, on the applicable form thereof, has been executed with respect to each Project hereunder, and each such Part I, so executed, constitutes a part of this ACC.

(b) The remaining provisions of this ACC, which are applicable to all Projects hereunder, are contained in Part II, which, although not separately executed, constitutes a part of this ACC.

0.3 *Fiscal Year.* Except for the first Fiscal Year of each Project, there shall be one Fiscal Year for all Projects hereunder. Such established Fiscal Year shall be the 12-month period ending _____ of each calendar year. The first Fiscal Year for each Project shall be as provided in the Part I applicable to such Project.

Local Authority by:

_____
The Government, by:

_____

PART I

Substantial Rehabilitation Project No. _____

1.1 *The project.* The Local Authority proposes to enter into Housing Assistance Payments Contract(s) ("Contract(s)") with respect to substantially rehabilitated dwelling units pursuant to an agreement(s) to enter into such Contract ("Agreement(s)") executed prior to the commencement of rehabilitation. It is contemplated that the numbers and sizes of units will be as follows:

Size of Unit	*Number of Units*

The Local Authority shall, to the maximum extent feasible, enter into an Agreement and Contract in accordance with the numbers and sizes of units specified above, but the Local Authority shall not enter into any Agreement or Contract or take any other action which will result in a claim for a total Annual Contribution in respect to the Project in excess of the maximum amount stated in section 1.3(a).

1.2 *Authorization of actions by local authority.* (a) In order to carry out the Project, the Local Authority is authorized to (i) enter into an Agreement, (ii) enter into a Contract, (iii) make housing assistance payments on behalf of Families, and (iv) take all other necessary actions all in accordance with the forms, conditions and requirements prescribed or approved by the Government; Provided, however, that neither the Local Authority nor the Government shall assume any obligation beyond that provided in the form of Agreement, and in the Contract, approved by the Government.

(b) The Contract shall bear the written approval of the Government.

(c) The Contract shall be for an initial term of not more that five years with provision for renewal for subsequent terms of not more than five years each, but in no event shall the term of the Contract, with respect to any unit, exceed 15 years, subject to the maximum 17 year limitation in Section 1.5.

(d) The Contract may provide for periodic adjustments in the rents chargeable by the Owner; Provided, however, that any such provision shall specify that such adjustments are subject to the following clause:

Limitation. The LHA will make housing assistance payments in increased amounts commensurate with rent adjustments or renegotiations under this Section, but not in excess of the amount available with respect to the unit or units under the Contract out of the maximum total amount of annual contributions payable under section 1.3(b)(1) of Part I of the ACC for all dwelling units under that ACC Part I. No commitment is

[1] Insert total number of units to be rehabilitated.

[2] Insert location of units. If units are to be rehabilitated and leased at more than one location, all such locations should be listed and units and rent summaries prepared for each such location.

[3] Insert number of units to be contracted for by the LHA for purposes of making housing assistance payments on behalf of eligible low-income families occupying such units.

[4] If the proposal was negotiated in accord with § 1276.204(a) of the section 23 Substantial Rehabilitation Program Handbook, clause (a) should read "(a) your Final Proposal."

[5] Insert date by which the architect's certification is to be sent to the Housing Authority.

made by the LHA or the Government that such maximum total amount of annual contributions will be increased by reason of any such rent adjustments or renegotiations. However, the Owner may select eligible Families in light of this limitation so that his total receipts (Family rents and housing assistance payments) would be commensurate with the adjusted or renegotiated rents.

1.3 *Annual contributions.* (a) Notwithstanding any other provisions of this ACC (other than paragraph (c) of this Section) or any provisions of any other contract between the Government and the Local Authority, the Government shall not be obligated to make any Annual Contributions or any other payment in respect to the Project in excess of $------; Provided, however, that this amount shall be reduced commensurate with any reduction in the number of units under the Housing Assistance Payments Contract or pursuant to any other provisions of this ACC.

(b) Subject to the maximum dollar limitation in paragraph (a) of this section, the Government shall pay Annual Contributions to the Local Authority in respect to the Project in an amount equal to the sum of the following:

(1) The amount of housing assistance payments payable during the Fiscal Year (see section 1.4) by the Local Authority pursuant to the Contract, as authorized in section 1.2 of this ACC.

(2) The allowance, in the amount approved by the Government, for security and utility deposits.

(3) The allowance, in the amount approved by the Government, for preliminary costs of administration.

(4) The allowance, in the amount approved by the Government, for the regular costs of administration.

(c) Subject to the maximum amount stated in paragraph (a) of this section, the Annual Contribution for any Fiscal Year may include such amount as the Government may determine to be necessary to assure that the low-rent character of the Project will be maintained, which amount shall be credited to an account maintained by the Local Authority or the Government as determined by the Government. To the extent funds are available in said account, the Annual Contribution for any Fiscal Year may exceed the maximum amount stated in paragraph (a) of this section by such amount, if any, as may be required for increases reflected in the estimates of required annual contributions applicable to such Fiscal Year as approved by the Government in accordance with section 1.7 below. Any amount remaining in said account, or in the fund authorized for security and utility deposits, after payment of the last Annual Contribution with respect to the Project shall be applied by the Government as a receipt in accordance with section 18 of the Act.

(d) The Government will make periodic payments on account of the Annual Contributions upon requisition therefor by the Local Authority in the form prescribed by the Government. Each requisition shall include certifications by the Local Authority that housing assistance payments have been or will be made only with respect to units which:

(1) are under lease by Families at the time such housing assistance payments are made except as otherwise provided in the Contract; and

(2) the Local Authority has inspected or caused to be inspected, pursuant to section 2.7 of Part II of this ACC, within one year prior to the making of such housing assistance payments.

(e) Following the end of each Fiscal Year, the Local Authority shall promptly pay to the Government, unless other disposition is approved by the Government, the amount, if any, by which the total amount of periodic payments during the Fiscal Year exceeds the total amount of the Annual Contribution payable for such Fiscal Year in accordance with this Section.

1.4 *Fiscal year.* The Fiscal Year for the Project shall be the Fiscal Year established by section 0.3 of this ACC; provided, however, that the first Fiscal Year for the Project shall be the period beginning with the commencement of leasing (i.e., the first day of the month in which the first unit is leased by an eligible Family) and ending on the last day of said established Fiscal Year which is not less than 12 months after commencement of such leasing. If the first Fiscal Year exceeds 12 months, the maximum Annual Contribution in section 1.3(a) may be adjusted by the addition of the pro rata amount applicable to the period of operation in excess of 12 months.

1.5 *Term of annual contributions contract.* This ACC shall remain in effect so long as the Housing Assistance Payments Contract(s) is (are) in effect; Provided, however, that in no case may this ACC exceed 17 years from the beginning of the first Fiscal Year.

1.6 *Federal and local government approvals.* (a) The making of this ACC and the undertaking by the Government of the Annual Contributions as herein provided has been duly approved on List No. —— for Annual Contributions Contracts.

(b) The Governing Body of the locality in which the dwelling units are to be located has approved the application of section 23 of the Act to the locality by resolution or ordinance duly adopted on ----------, 19--.

1.7 *Estimates of required annual contributions.* The Local Authority shall from time to time submit to the Government estimates of required annual contributions at such times and in such form as the Government may require. All estimates and any revisions thereof submitted under this Section shall be subject to Government approval.

1.8 *Affirmative fair housing marketing regulation.* The Local Authority shall require the Owner to comply with the Affirmative Fair Housing Marketing Regulation (subject to any exemptions therein), including the submission for Government approval of an Affirmative Fair Housing Marketing Plan and compliance with such approved Plan, as if the Owner were expressly subject to said Regulation.

1.9 *Equal employment opportunity.* (a) The Local Authority shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is to be performed pursuant to this contract, the following Equal Opportunity clause:

Equal Employment Opportunity

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, creed, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Local Authority setting forth the provisions of this Equal Opportunity clause.

(2) The contractor will in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, creed, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Local Authority advising the said labor union or workers' representative of the contractor's commitments under this Section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Government and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding Paragraph (1) and the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Government may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Government, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(b) The Local Authority agrees that it will assist and cooperate actively with the Government and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the Government and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the Government in the discharge of the Government's primary responsibility for securing compliance.

(c) The Local Authority further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by the Government or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

1.10 *Expeditious carrying out of project.* The Local Authority shall proceed expeditiously with the Project. If the Local Authority fails to proceed expeditiously, and no Agreement with the Owner has yet been entered into, the Government by notice to the Local Authority, may terminate or reduce its obligation hereunder with respect to the Project. If an Agreement has been entered into, and the Local Authority or the Owner is not proceeding expeditiously with the Project, the Government will take appropriate action, including the Governmental action provided for in the Agreement.

1.11 *Failure of local authority to comply with contract.* (a) In the event of failure of the Local Authority to comply with the Contract with the Owner, or if such Contract is held to be void, voidable or ultra vires, or if the power or right of the Local Authority to enter into such Contract is drawn into question in any legal proceeding, or if the Local Authority asserts or claims that such Agreement or Contract is not binding upon the Local Authority for any such reason, the occurrence of any such event, if the Owner is not in default, shall constitute a Substantial Default hereunder. In such case, the Government will assume the Local Authority's rights and obligations under such Contract, and the Government shall, for the duration of such Contract, continue to pay Annual Contributions for the purpose of making housing assistance payments with respect to dwelling units under such Contract, shall perform the obligations and enforce the rights of the Local Authority, and shall exercise such other powers as the Government may have to cure the Default.

(b) All rights and obligations of the Local Authority assumed by the Government will be returned as constituted at the time of such return (i) when the Government is satisfied that all defaults have been cured and that the Contract will thereafter be administered in accordance with its terms and the terms of this Annual Contributions Contract, or (ii) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner.

(c) The provisions of this Section 1.11 are made with, and for the benefit of the Owner or his assignees who will have been specifically approved by the Government prior to such assignment. To enforce the performance of this provision the Owner and such assignees, as well as the Local Authority, shall have the right to proceed against the Government by suit at law or in equity.

Local Authority, by:

The Government, by:

Date:

PART II

2.1. *Low-income housing use.* The Local Authority shall use the Annual Contributions solely for the purpose of providing decent, safe, and sanitary dwellings for families of low income, hereinafter further defined as "Families."

2.2. *Definitions*—(a) *Families; Elderly Families; and Displaced Families.* (1) The term "Families" means families of low income and includes Families consisting of a single person in the case of Elderly Families and Displaced Families, and includes the remaining member of a tenant Family.

(2) The term "Elderly Families" means Families whose heads (or their spouses), or whose sole members, have attained the age at which an individual may elect to receive an old-age benefit under Title II of the Social Security Act (42 U.S.C. 301, et seq.); or are under a disability as defined in section 223 of that Act; or are handicapped within the meaning of section 202 (12 U.S.C. 1701q) of the Housing Act of 1959, as amended.

(3) The term "Displaced Families" means Families displaced by urban renewal or other governmental action, or Families whose present or former dwellings are situated in areas as determined by the Government to have been affected by a natural disaster, and which have been extensively damaged or destroyed as the result of such disaster.

(b) *Project receipts and project expenditures.* (1) "Project Receipts" with respect to each Project shall mean the Annual Contributions payable hereunder and all other receipts, if any, accruing to the Local Authority from, out of, or in connection with such Project.

(2) "Project Expenditures" with respect to each Project shall mean all costs allowable under section 1.3, Part I of this ACC with respect to such Project.

(c) *Substantial default.* For the purpose of this ACC a Substantial Default is defined to be the occurrence of any of the following events:

(1) If the Local Authority defaults in the observance or performance of the provisions of section 2.7; or

(2) If (a) the Local Authority violates or fails to comply with any provisions of the Housing Assistance Payments Contract or fails to perform any of its obligations under such Contract, or (b) such Contract at any time is held to be void, voidable, or ultra vires, or the power or right of the Local Authority to enter into such Contract is drawn into question in any legal proceeding, or (c) the Local Authority asserts or claims that such Contract is not binding upon it for any reason, or otherwise asserts or demonstrates that it does not intend to fulfill its obligations under such Contract; or

(3) If the Local Authority fails or refuses to honor any duly issued Certificate of Family Participation in accordance with its terms; or

(4) If the Local Authority fails to comply with the requirements of sections 2.8, 2.9, 2.10, or 2.11; or

(5) If there is any default by the Local Authority in the performance or observance of any term, convenant, or condition of this ACC other than the defaults enumerated in subsections (1) through (4) of this paragraph (c) and if such default has not been remedied within a reasonable time, not to exceed thirty days, after the Government has notified the Local Authority thereof.

2.3. *Maximum income limits and rents.* (a) Subject to the approval of the Government, the Local Authority shall fix income limits for eligibility and rents after taking into consideration:

(1) The Family size, composition, age physical handicaps, and other factors which might affect the rent-paying ability of the family, and

(2) The economic factors which affect the financial stability and solvency of the Projects.

(b) Income limits shall restrict eligibility to Families (as defined in section 2.2) and shall assure the financial solvency of the Projects. Income limits and rents as fixed by the Local Authority shall meet the requirements of applicable local law.

(c) The Local Authority shall submit to the Government for its approval a schedule or schedules of income limits and rents, together with such supporting data and documents as the Government may require.

(d) The Local Authority may at any time review and revise such schedules, and shall review and revise such schedules if the Government determines that changed conditions in the locality make such revisions necessary in achieving the purposes of the Act.

2.4. *Admission policies.* (a) The Local Authority shall duly adopt and promulgate, by publication or posting in a conspicuous place for examination by prospective tenants, regulations establishing its policies for the issuance of Certificates of Family Participation. Such regulations must be reasonable and give full consideration to its public responsibility for rehousing Displaced Families, to the applicant's status as a serviceman or veteran or relationship to a serviceman or veteran or to a disabled serviceman or veteran and to the applicant's age or disability, housing conditions, urgency of housing need, and source of income, and shall accord to Families consisting of two or more persons such priority over Families consisting of single persons as the Local Authority determines to be necessary to avoid undue hardship.

(b) The Local Authority shall promptly notify any applicant determined to be ineligible for housing assistance payments of the basis for such determination and provide the applicant upon request, within a reasonable time after the determination is made, with an opportunity for an informal hearing on such determination. Any applicant determined to be eligible for housing assistance payments shall be given a Certificate of Family Participation or shall be notified of the date when such Certificate will be issued, insofar as such date can be reasonably determined.

2.5. *Continued eligibility.* (a) The Local Authority shall periodically reexamine the incomes of Families for whom housing assistance payments are being made; Provided, however, that the length of time between the issuance of a Certificate of Family Participation to a Family subject to yearly reexamination and the first reexamination of such Family may be extended by not more than six months if necessary to fit a reexamination schedule established by the Local Authority.

(b) If, upon such reexamination, it is found that Family income or composition has changed, the portion of rent payable by the Family and the amount of housing assistance payment shall be adjusted accordingly.

(c) If, upon such reexamination, the Local Authority determines that 25 percent of adjusted Family income (as defined by the Government) equals or exceeds the gross rent for the unit leased, housing assistance payments for such Family shall terminate.

2.6. *Applications and certifications.* (a) Prior to the issuance of a Certificate of Family Participation to each Family and thereafter on the date established by the Local Authority for each reexamination of the status of such Family, the Local Authority shall obtain a written application, signed by a responsible member of such Family, which application shall set forth all data and information necessary to enable the Local Authority to determine whether the Family

meets the conditions of eligibility for housing assistance payments.

(b) The Local Authority shall establish policies governing the nature and extent of investigations to be made of applicants' and tenants' statements relating to their eligibility.

(c) A duly authorized official of the Local Authority shall, at times prescribed by the Government, make written certifications to the Government that each Certificate of Family Participation issued during the period covered by the certification was issued in accordance with its duly adopted regulations and approved income limits.

2.7. *Maintenance and inspections.* (a) The Local Authority shall require as a condition for the making of housing assistance payments, that the Owner at all times maintain the Project in decent, safe, and sanitary condition.

(b) The Local Authority shall inspect or cause to be inspected dwelling units prior to commencement of occupancy by Families, and of grounds, facilities, and areas for their benefit and use, and shall make or cause to be made subsequent inspections at least annually, adequate to assure that decent, safe, and sanitary housing accommodations are being provided.

2.8. *Nondiscrimination in housing.* (a) The Local Authority shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Public Law 88-352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR Subtitle A, Part 1, section 1.1, *et seq.;* the requirements of said Department pursuant to said regulations; and Executive Order 11063 to the end that, in accordance with that Act and the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the grounds of race, color, creed, religion, or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program or be otherwise subjected to discrimination. The Local Authority shall, by contractual requirement, covenant, or other binding commitment, assure the same compliance on the part of any subgrantee, contractor, subcontractor, transferee, successor in interest, or other participant in the program or activity, such commitment to include the following clause:

This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, Section 1.1, et seq.; issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the [contractor or other] to comply therewith inures to the benefit of the United States, the said Department, and the Local Authority any of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the [contractor or other.]

The Local Authority shall incorporate or cause to be incorporated into all Housing Assistance Payments Contracts a provision requiring compliance with all requirements imposed by Title VIII of the Civil Rights Act of 1968, Public Law 90-284, 82 Stat. 73, and any rules and regulations issued pursuant thereto.

The Local Authority shall not, on account of creed or sex, discriminate in the sale, leasing, rental, or other disposition of housing or related facilities (including land) included in any Project or in the use or occupancy thereof, nor deny to any family the opportunity to apply for such housing, nor deny to any eligible applicant the opportunity to lease or rent any dwelling in any such housing suitable to its needs. No person shall automatically be excluded from participation in, or be denied the benefits of, the the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

2.9 *Relocation; equal employment opportunity.* (a) Relocation. The Local Authority understands and agrees that relocation of, and payments to, site occupants will be carried out in accordance with all regulations and requirements of the Government and in compliance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646; 84 Stat. 1894; 42 U.S.C. 4601). The Local Authority warrants and agrees that such requirements will be complied with. The assurances required by section 210 of the Uniform Relocation and Real Property Acquisition Policies Act of 1970 are hereby given by the Local Authority.

(b) *Equal employment opportunity.* The Local Authority shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, or national origin. The Local Authority shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, color, creed, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment adverstising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

2.10. *Employment of project area residents and contractors.* The Local Authority shall comply, and shall require each of its contractors and subcontractors employed in the performance of this ACC to comply, with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the regulations and requirements of the Government thereunder, requiring that to the greatest extent feasible opportunities for training and employment be given lower income residents of the Project area and that contracts for work in connection with the Project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the Project.

2.11. *Cooperation in equal opportunity compliance reviews.* The Local Authority shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.12. *Insurance and fidelity bond coverage.* (a) For purposes of protection against hazards arising out of or in connection with the administrative activities of the Local Authority in carrying out the Project, the Local Authority shall carry adquate (1) comprehensive general liability insurance, (2) workmen's compensation coverage (statutory or voluntary), and (3) automobile liability insurance against property damage and bodily injury (owned and non-owned).

(b) The Local Authority shall obtain or provide for the obtaining of adequate fidelity bond coverage of its officers, agents, or employees handling cash or authorized to sign checks or certify vouchers.

(c) Each insurance policy or bond shall be written to become effective at the time the Local Authority becomes subject to the risk or hazard covered thereby, and shall be continued in full force and effect for such period as the Local Authority is subject to such risk or hazard. Such insurance and bonds shall (1) be payable in such manner, (2) be in such form, and (3) be for such amounts, all as may be determined by the Local Authority and approved by the Government, and shall be obtained from financially sound and responsible insurance companies.

(d) In connection with each policy, including renewals, for comprehensive general liability insurance the Local Authority shall give full opportunity for open and competitive bidding. The Local Authority shall give such publicity to advertisements for bids as will assure adequate competition and shall afford an opportunity to bid to all insurers who have indicated in writing to the Local Authority their desire to submit a bid and who are licensed to do business in the State. Such insurance shall be awarded to the lowest responsible bidder. The lowest bid shall be determined upon the basis of net cost to the Local Authority. Net cost, for the purposes of this subsection (d), shall mean the gross deposit premium, plus the cost of insurance against the hazards, if any, of assessments, less any anticipated dividend based on the dividend payment and assessment record of the insurer for the previous ten years. Nothing in this subsection (d) shall have the effect of requiring the Local Authority to purchase insurance from any insurer not licensed to do business in the State or to purchase insurance which involves any hazard of assessment unless insurance against such hazard is available.

(e) The Local Authority shall require that each liability insurance policy prohibit the insurer from defending any tort claim on the grounds of immunity of the Local Authority from suit.

(f) The Local Authority shall submit certified duplicate copies of all insurance policies and bonds to the Government not less than forty-five days before the effective date thereof for review to determine compliance with this ACC. Unless disapproved by the Government within thirty days of the date submitted, the policies and bonds submitted shall be considered as approved by the Government.

(g) If the Local Authority shall fail at any time to obtain and maintain insurance as required by subsections (a), (b), (c), and (d) of this section 2.12, the Government may obtain such insurance on behalf of the Local Authority and the Local Authority shall promptly reimburse the Government for the cost thereof together with interest at the then going Federal rate as determined pursuant to section 2(10) of the Act.

2.13. *Books of account and records; reports; audits.* (a) The Local Authority shall maintain complete and accurate books of account and records, as may be prescribed from time to time by the Government, in connection with the Projects, including records which permit a speedy and effective audit, and will among other things fully disclose the amount and the disposition by the Local Authority of the Annual Contributions and other Project Receipts, if any.

(b) The books of account and records of the Local Authority shall be maintained for each Project as separate and distinct from all other Projects and undertakings of the Local Authority, except as authorized or approved by the Government.

(c) The Local Authority shall furnish the Government such financial, operating, and statistical reports, records, statements, and documents at such times, in such form, and accompanied by such supporting data, all as may reasonably be required from time to time by the Government.

(3) The Government and the Comptroller General of the United States, or his duly authorized representatives, shall have full and free access to the Projects and to all the books, documents, papers, and records of the Local Authority that are pertinent to its operations with respect to financial assistance under the Act, including the right to audit, and to make excerpts and transcripts from such books and records.

(e) The Local Authority shall incorporate or cause to be incorporated in all Contracts the following clause:

LHA AND GOVERNMENT ACCESS TO PREMISES AND OWNER'S RECORDS

The Owner shall permit the LHA and the Government, or any of their duly authorized representatives, to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the monthly requests to the LHA for housing assistance payments.

(f) The Local Authority shall not charge as a Project Expenditure the cost or expense of any audit with respect to any Project for any Fiscal Year unless (1) the Government has approved such audit, or (2) such audit is required by law, or (3) the Government has failed to furnish the Local Authority with a report of its fiscal audit of the Local Authority's books of account for such Fiscal Year within six months after the end thereof and, subsequent to a notice by the Local Authority of such failure, the Government has failed to submit its report of such audit within three months after receipt of such notice.

2.14. *General depositary agreement and general fund.* (a) Promptly after the execution of this ACC, the Local Authority shall enter into, and thereafter maintain, one or more agreements, which are herein collectively called the "General Depositary Agreement," in form prescribed by the Government, with one or more banks (each of which shall be, and continue to be, a member of the Federal Deposit Insurance Corporation) selected as depositary by the Local Authority. Immediately upon the execution of any General Depositary Agreement, the Local Authority shall furnish to the Government such executed or conformed copies thereof as the Government may require. No such General Depositary Agreement shall be terminated except after thirty days notice to the Government.

(b) All monies received by or held for account of the Local Authority in connection with the Projects shall constitute the General Fund.

(c) The Local Authority shall, except as otherwise provided in this ACC, deposit promptly with such bank or banks, under the terms of the General Depositary Agreement, all monies constituting the General Fund.

(d) The Local Authority may withdraw monies from the General Fund only for (1) the payment of Project Expenditures, and (2) other purposes specifically approved by the Government. No withdrawals shall be made except in accordance with a voucher or vouchers then on file in the office of the Local Authority stating in proper detail the purpose for which such withdrawal is made.

(e) If the Local Authority (1) in the determination of the Government, is in Substantial Default, or (2) makes or has made any fraudulent or willful misrepresentation of any material fact in any of the documents or data submitted to the Government pursuant to this ACC or in any document or data submitted to the Government as a basis for this ACC or as an inducement to the Government to enter into this ACC, the Government shall have the right to require any bank or other depositary which holds any monies of the General Fund, to refuse to permit any withdrawals of such monies; Provided, however, that upon the curing of such Default the Government shall promptly rescind such requirement.

2.15. *Pooling of funds under special conditions and revolving fund.* (a) The Local Authority may deposit under the terms of the General Depositary Agreement monies received or held by the Local Authority in connection with any other housing project developed or operated by the Local Authority pursuant to the provisions of any contract for annual contributions, administration, or lease between the Local Authority and the Government.

(b) The Local Authority may also deposit under the terms of the General Depositary Agreement amounts necessary for current expenditures of any other project or enterprise of the Local Authority, including any project or enterprise in which the Government has no financial interest; Provided, however, that such deposits shall be lump-sum transfers from the depositaries of such other projects or enterprises, and shall in no event be deposits of the direct revenues or receipts of such other projects or enterprises.

(c) If the Local Authority operates other projects or enterprises in which the Government has no financial interest, it may from time to time, withdraw such amounts as the Government may approve from monies on deposit under the General Depositary Agreement for deposit in and disbursement from a revolving fund provided for the payment of items chargeable in part to the Projects and in part to other projects or enterprises of the Local Authority; Provided, however, that all deposits in such revolving fund shall be lump sum transfers from the depositaries of the related projects or enterprises and shall in no event be deposits of the direct revenues or receipts.

(d) The Local Authority may establish petty cash or change funds in reasonable amounts, from monies on deposit under the General Depositary Agreement.

(e) In no event shall the Local Authority withdraw from any of the funds or accounts authorized under this Section 2.15 amounts for the Projects or for any other project or enterprise in excess of the amount then on deposit in respect thereto.

2.16. *Assignment of Interest in project to government; continuance of annual contributions.* Upon the occurrence of a Substantial Default (as herein defined) with respect to any Project the Local Authority shall, if the Government so requires, assign to the Government all of its rights and interests in and to the Project, or such part thereof as the Government may specify, and the Government shall continue to pay Annual Contributions with respect to dwelling units covered by Housing Assistance Payments Contracts in accordance with the terms of this ACC until reassigned to the Local Authority. After the Government shall be satisfied that all defaults with respect to the Project have been cured and that the Project will thereafter be operated in accordance with the terms of this ACC, the Government shall reassign to the Local Authority all of the rights and interests of the Government in and to the Project as such rights and interests exist at the time of such reassignment.

2.17. *Remedies not exclusive and non-waivers of remedies.* Any remedy provided for herein shall not be exclusive or preclude the Owner, LHA and/or the Government from exercising any other remedy available under this ACC or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies available to such parties. Failure on the part of any such party to exercise any right or remedy shall not constitute a waiver of that or any other right or remedy, nor operate to deprive the party of the right thereafter to take any remedial action for the same or any subsequent default.

2.18. *Interest of members, officers, or employees of local authority, members of local governing body, or other public officials.*

(a) Neither the Local Authority nor any of its contractors or their subcontractors shall enter into any contract, subcontract, or arrangement, in connection with any Project, in which any member, officer, or employee of the Local Authority, or any member of the governing body of the locality in which the Project is situated, or any member of the governing body of the locality in which the Authority was activated, or any other public official of such locality or localities who exercises any responsibilities or functions with respect to the Project during his tenure or for one year thereafter has any interest, direct or indirect. If any such present or former member, officer, or employee of the Local Authority, or any such governing body member or such other public official of such locality or localities involuntarily acquires or had acquired prior to the beginning of his tenure any such interest, and if such interest is immediately disclosed to the Local Authority and such disclosure is entered upon the minutes of the Local Authority, the Local Authority, with the prior approval of the Government may waive the prohibition contained in this subsection; Provided, however, that any such present member, officer, or employee of the Local Authority shall not participate in any action by the Local Authority relating to such contract, subcontract, or arrangement.

(b) The Local Authority shall insert in all contracts entered into in connection with any Project or any property included or planned to be included in any Project, and shall require its contractors to insert in each of its subcontracts, the following provisions:

No member, officer, or employee of the Local Authority, no member of the governing body of the locality in which the Project is situated, no member of the governing body of the locality in which the Local Authority was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the Project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this contract or the proceeds thereof.

(c) The provisions of the foregoing subsections (a) and (b) of this section 2.18 shall not be applicable to the General Depositary Agreement, or utility service the rates for which are fixed or controlled by a governmental agency.

2.19. *Interest of member of or delegate to congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this ACC or to any benefits which may arise therefrom.

APPENDIX XI—AGREEMENT TO ENTER INTO HOUSING ASSISTANCE PAYMENTS CONTRACT—SUBSTANTIAL REHABILITATION

This Agreement to Enter into Housing Assistance Payments Contract ("Agreement") is made and entered into this _____ day of _____, 19__, by and between the _____ ("LHA"), a body, corporate and politic, organized and existing under and by virtue of the laws of the State of _____, and _____ ("Owner").

Whereas, the Owner proposes to complete the substantial rehabilitation of certain housing (as described in the Owner's approved Final Proposal, including any approved modifications, attached hereto as Exhibit "A"); and

Whereas, the Owner and the LHA propose to enter into a Housing Assistance Payments Contract ("Contract") which is attached hereto as Exhibit "B", upon the completion of said rehabilitation, for the purpose of making housing assistance payments to enable eligible low-income families ("Families") to occupy said housing, which units are described in Exhibit "C", attached hereto; and

Whereas, the LHA has entered into an Annual Contribution Contract dated _____, with the United States of America (hereinafter called the "Government"), with respect to Project No. _____ ("ACC"), under which the Government will provide financial assistance to the LHA pursuant to section 23 of the United States Housing Act of 1937 for the purpose of making housing assistance payments, which ACC is attached hereto as Exhibit "D"; and

Whereas, the Owner is also the rehabilitator, or, if the rehabilitator is other than the Owner, the rehabilitator's name is _____.

Now therefore, the parties hereto agree as follows:

PART I

1.1. *The rehabilitation.* The rehabilitated housing shall be in accordance with Exhibit "A". The Owner shall be solely responsible for completion of the rehabilitation and nothing contained in this Agreement shall create or affect any relationship between the LHA and the lender or any contractors or subcontractors employed by the Owner in the completion thereof.

1.2. *Time for completion.* a. The rehabilitation shall be completed in accordance with section 1.4 no later than _____ days after the date of this Agreement or in stages as provided for in Exhibit "E", which identifies the units comprising each stage and the dates for commencement and completion of each stage. Where completion in stages is provided for, all references to completion shall be deemed to refer to completion of all the units and/or completion of any stage, as appropriate.

The Owner agrees that no later than _____, 19__, the work will be commenced and diligently continued. The LHA reserves the right to cancel this Agreement, subject to Government approval, in the event the work is not commenced and/or diligently continued as aforesaid.

b. In the event that there is delay in the completion due to strikes, lockouts, labor union disputes, fire, unusual delay in transportation, unavoidable casualties, weather, acts of God, or any other causes beyond the Owner's control, or by delay authorized by the LHA, the time for completion shall be extended to the extent that completion is delayed due to one or more of these causes.

1.3. *Changes during rehabilitation.* The LHA, with Government approval, may reduce the rents payable to the Owner if deviations from Exhibit "A" alter the design or quality or other basis for approval of the Final Proposal. Accordingly, the Owner shall obtain prior written approval for any such changes from the LHA and the Government.

1.4 *Completion of rehabilitation.*—a. *Notification of completion.* Upon completion of the rehabilitation, the Owner shall notify the LHA and the Government that the work is completed and shall submit to the LHA the evidence of completion described in paragraph b, below.

b. *Evidence of completion.* The completion of the rehabilitation shall be evidenced by furnishing the LHA with the following:

(1) a certificate of occupancy and/or other official approvals necessary for occupancy; and

(2) a certificate by the Owner, supported by the Owner's warranty in the Contract, and a separate certification by the registered architect (if working drawings and specifications for the work were prepared and certified to by a registered architect), that:

(a) all work has been completed in accordance with the terms and conditions of this Agreement;

(b) the rehabilitated housing is in good and tenantable condition; and

(c) there are no defects or deficiencies except for ordinary punchlist items. If there are punchlist items, the Owner shall (as agreed to by the Owner, the LHA and the Government) make a deposit in escrow to cover such items. In such case, if the Owner fails to complete the punchlist items within a reasonable time to the satisfaction of the LHA, the LHA may, upon 30 days notice and with the approval of the Government, terminate the Housing Assistance Payments Contract.

c. *Inspection.* (1) Within ten working days of the receipt of the Owner's notification of completion, the LHA representative, accompanied by a Government representative, shall inspect the property and review the evidence of completion listed in paragraph b, above. The Government shall, as promptly as possible, advise the LHA in writing as to whether or not the rehabilitation has been satisfactorily completed and whether the requirements of Section 1.5a have been complied with.

(2) If it is determined that the rehabilitation has not been satisfactorily completed, the Government shall notify the LHA and advise it of the corrective action needed. In the event the Owner disputes such a determination he may submit the controversy to third-party arbitration at his expense, provided that the arbitration is advisory only. Prior to authorizing execution of the Contract, the Government shall verify that appropriate corrective action has been taken.

1.5 *Housing assistance payments contract.* a. Prior to the Government's authorization of execution of the Contract, the Owner must certify in writing that there has been no change in the evidence of management capability, or in the proposed management program (if one was required), as specified in his proposal, other than changes approved in writing by the LHA and the Government in accordance with section 1.3 of this Agreement.

b. If the Government determines that the rehabilitation has been satisfactorily completed in accordance with the provisions of section 1.4 and approves such certification and the changes, if any, as to the evidence of management capability and management program, the Government shall authorize execution of the Contract.

c. Upon receipt by the LHA of the Government's authorization, the Owner and the LHA shall execute the Contract. If completion is in stages, pursuant to section 1.2a, the Contract shall be executed upon completion of the first stage, and the number and types of completed units and their Contract rents shall be shown in Schedule A–1 of the Contract. Thereafter, upon completion of each successive stage, the signature block provided in the Contract for that stage shall be executed by the Owner and the LHA and approved by the Government, and Schedule A–2, A–3, etc., covering the additional units, shall become part of the Contract, effective as of the date of such execution.

d. The rents to the Owner, by unit size, amounts of housing assistance payments, and all other applicable terms and conditions shall be as specified in the proposed Housing Assistance Payments Contract, except that in no case may rents for units in rehabilitated housing financed with mortgages insured under the National Housing Act exceed the rent formula or other rents established by the Government in connection with the mortgage insurance for such units.

e. Each party has read or is presumed to have read the proposed Contract. It is expressly agreed that there shall be no change in the terms and conditions of the Contract other than in accordance with section 1.3 and paragraph d of this section.

1.6. *Commencement of marketing.* Marketing by the Owner and determination of Family eligibility and approval of Owner-Family Leases by the LHA shall begin no later than 60 days prior to completion of rehabilitation and be accomplished to achieve rapid occupancy. These actions shall be taken in accordance with the provision of Sections 1.9 and 2.1 of the Contract.

1.7 *Relocation requirements.* a. The Owner, by checking "yes" below, hereby certifies that the housing to be rehabilitated was without occupants as of the date of the LHA's written notification to the Owner requesting the Owner to submit a Final Proposal.

☐ Yes
☐ No

b. If the answer to paragraph a above is "no", paragraph c or d below shall be applicable.

c. The Government has determined that satisfactory commitments have been made for the funding of relocation payments pursuant to sections 202, 203 and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as follows:

d. If paragraph c is inapplicable, the Owner hereby agrees to comply with the provisions of sections 202, 203 and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and applicable Government regulations and requirements issued pursuant thereto, and the following shall apply:

(1) The maximum potential amount of all relocation payments as calculated by the LHA and approved by the Government is $_____.

(2) The Owner has deposited this amount in an escrow account under the terms of which payments may be made only upon presentation of written authorization by the LHA for the purpose of meeting relocation payments.

(3) The Owner hereby voluntarily undertakes liability for all relocation payments and agrees that if the funds in the escrow account shall prove to be insufficient to meet all such relocation payments, he will deposit such additional amounts as the LHA determines to be necessary for such purpose.

(4) When the LHA determines, with Government approval, that there is no longer any potential liability for relocation payments, any balance in the escrow account shall be paid to the Owner.

(5) The Owner agrees to hold harmless and to indemnify the LHA for any costs incurred under sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 in connection with the relocation of site occupants, and the Owner further agrees that the LHA shall have the right to be reimbursed for any such costs by withholding from housing assistance payments payable to the Owner.

1.8. *Entire agreement.* This Agreement, including Part II and all Exhibits hereof, contains the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein.

1.9. *Authority of the LHA.* The LHA warrants that it is a duly organized body, corporate and politic, authorized by law to engage in the development or administration of low-rent housing or slum clearance, and that it is in fact and in law authorized to execute this Agreement.

In witness whereof, the parties hereto have executed this Agreement in four original counterparts as of the day and year first above written.

LHA

By ---

Owner

By ---

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly or willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more $10,000 or imprisoned for not more than five years, or both.

PART II

2.1 *Employment of project area residents and contractors.* The Owner shall comply and shall require each of his contractors and subcontractors employed in the performance of this Agreement to comply (including compliance with the Government-approved affirmative action plan for utilization of project area businesses) with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the regulations and requirements of the Government thereunder, requiring that, to the greatest extent feasible, opportunities for training and employment be given lower income residents of the project area and that contracts for work in connection with the rehabilitation of the housing be awarded to business concerns which are located in, or owned in substantial part by, persons residing in the project area.

2.2. *Equal employment opportunity.* a. The Owner shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is to be performed pursuant to this Agreement, the following Equal Opportunity clause:

EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising, lay-off or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Local Authority setting forth the provisions of this Equal Opportunity clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, creed, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Local Authority advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Government and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the Equal Opportunity clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding Paragraph (1) and the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Government may direct as a means of enforcing such provisions including sanctions for noncompliance: PROVIDED, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Government, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

b. The Owner agrees that he will be bound by the above Equal Opportunity clause with respect to his own employment practices when he participates in federally assisted construction work.

c. The Owner agrees that he will assist and cooperate actively with the Government and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that he will furnish the Government and the Secretary of Labor such information as they may require for the supervision of such compliance, and that he will otherwise assist the Government in the discharge of the Government's primary responsibility for securing compliance.

d. The Owner further agrees that he will refrain from entering into any contract or contract modification subject to Executive Order No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by the Government or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

2.3. *Cooperation in equal opportunity compliance reviews.* The LHA and the Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4. *Disputes.* a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Agreement which is not disposed of by agreement of the LHA and Owner may be submitted by either party to the U.S. Department of Housing and Urban Development field office director who shall make a decision and shall mail or otherwise furnish a written copy thereof to the Owner and the LHA.

b. The decision of the field office director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, either party mails or otherwise furnishes to the field office director a written appeal addressed to the Secretary of Housing and Urban Development. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this Section, the appellant shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, both parties shall proceed diligently with the performance of the Agreement and in accordance with the decision of the field office director.

c. This "Disputes" section does not preclude consideration of questions of law in connection with decisions rendered under paragraph a of this Section; Provided, however, that nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

2.5. *Flood insurance.* If the housing to be rehabilitated under this Agreement is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that such housing will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or rehabilitation cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.6. *Interest of members, officers, or employees of LHA, members of local governing body, or other public officials.* No member, officer, or employee of the LHA, no member of the governing body of the locality (city and county) in which the housing is situated, no member of the governing body of the locality in which the LHA was activated, and no other public official of such locality

or localities who exercises any functions or responsibilities with respect to the Project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Agreement or in any proceeds or benefits arising therefrom.

2.7. *Interest of member of or delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Agreement or to any benefits which may arise therefrom.

2.8. *Nonassignability.* a. The Owner agrees that he has not made, and will not make, any sale, assignment, or conveyance or transfer in any other form of this Agreement or the housing to be rehabilitated hereunder or any part thereof, or any of his interests therein, except as follows:

(1) with the prior consent of the LHA and the Government; or

(2) to a financial institution or trustee for the purpose of obtaining financing of the work under this Agreement to which assignment the LHA and the Government shall consent in writing if requested by the Owner or the lender.

An assignment by the Owner to a limited partnership of which the Owner is the general partner shall not be considered an assignment herein.

b. The Owner agrees that he will not change to a different rehabilitator from the one named in the preamble of this Agreement, except with the prior consent of the LHA and the Government.

c. The Owner agrees that the approved rehabilitator has not made, and will not make, except with the prior consent of the LHA and the Government, any assignment or transfer in any form of the rehabilitator's contract to perform the rehabilitation work, or of any part thereof, or any of the rehabilitator's interests therein.

d. The Owner agrees to notify the LHA and the Government promptly of any proposed action covered by paragraph a or b or c of this Section. The Owner further agrees to request the written consent of the LHA and the Government except where the proposed action is covered by paragraph a (2) of this section.

e. For the purpose of this Section, a transfer of stock in the Owner or rehabilitator in whole or in part, by a party holding ten percent or more of the stock of said Owner or rehabilitator, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to parties in control of the Owner or rehabilitator or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Agreement, the housing to be rehabilitated hereunder or the rehabilitation contract. With respect to this provision, the Owner, and the party signing this Agreement on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

2.9. *Annual contributions contract.* The execution of the ACC by the Government signifies that said ACC has been properly authorized; that the faith of the United States is solemnly pledged to the payment of annual contributions pursuant to said ACC; and that funds have been obligated by the Government for such payment to assist the LHA in the performance of its obligations under the Housing Assistance Payments Contract. The LHA shall not, without the consent of the Owner, amend or modify the ACC in any manner which would reduce the amount of annual contributions payable under section 1.3b(1) thereof with respect to the units to be rehabilitated under this Agreement and any other Agreements entered into as a part of the Project except as authorized in the ACC and the Housing Assistance Payments Contract.

2.10. *Prohibited methods of financing.* If any of the methods of financing prohibited by the Housing Assistance Payments Program is used, (a) the LHA shall be under no obligation to enter into the Housing Assistance Payments Contract and (b) the LHA shall not be entitled to annual contributions with respect to the units to be rehabilitated under this Agreement.

APPENDIX XII—HOUSING ASSISTANCE PAYMENTS CONTRACT—SUBSTANTIAL REHABILITATION

This Housing Assistance Payments Contract ("Contract") is made and entered into on this _____ day of _____ 19__, by and between _____ ("Owner") and _____, ("LHA"), a public body, corporate and politic, organized and existing under and by virtue of the laws of the State of _____.

The owner and the LHA agree as follows:

PART I

1.1. *Purpose of contract; owner's warranty.* a. *LHA Obligation.* The LHA hereby agrees to make housing assistance payments on behalf of eligible low-income families ("Families") for the number and type of units specified in Schedule "A", attached hereto ("assisted unit(s)"), to enable such Families to lease decent, safe, and sanitary housing pursuant to section 23 of the United States Housing Act of 1937.

b. *Use and occupancy of assisted units.* The assisted units are to be leased by the Owner to Families for use and occupancy by such Families solely as private dwellings.

c. *Owner's warranty.* The Owner warrants that the rehabilitated housing is in good and tenantable condition and that all work has been completed in accordance with the terms and conditions of the Agreement.

1.2. *Annual contributions contract.* a. The LHA has entered into an Annual Contributions Contract dated _____, with the United States of America (hereinafter called the "Government"), with respect to Project No. _____ ("ACC"), under which the Government will provide financial assistance to the LHA pursuant to section 23 of the United States Housing Act of 1937, for the purpose of making housing assistance payments, which ACC is attached hereto.

b. The LHA hereby pledges such annual contributions payable under section 1.3(b)(1) of Part I of the ACC to the payment of housing assistance payments pursuant to this and any other Housing Assistance Payments Contract(s) entered into as a part of said Project. The LHA shall not, without the consent of the Owner, amend or modify the ACC in any manner which would reduce the amount of such annual contributions, except as authorized in the ACC and this Contract.

1.3. *Housing assistance payments.* a. Housing assistance payments shall be made by the LHA to the Owner, under the terms and conditions of this Contract, for the period during which assisted units are leased by Families under Leases approved by the LHA. Housing assistance payments shall not be made for units which are vacant except:

(1) as provided in section 1.9c, below; and

(2) where a Family vacates its unit in violation of the provisions of its Lease, in which case, the Owner may continue to receive housing assistance payments with respect to such unit in accordance with the terms of the Contract, not beyond the term of the Lease, but only if the Owner (a) immediately upon learning of the vacancy, has taken all feasible action to fill it including but not limited to contacting Families on his waiting list, requesting the LHA to refer eligible Families and advertising the availability of the unit, (b) has promptly (within 30 days of the date the Family vacated the unit) notified the LHA of the vacancy and (c) has not rejected, except for good cause acceptable to the LHA, any substitute Family provided by the LHA.

b. Housing assistance payments shall not be made for units which are leased to other than eligible Families. Housing assistance payments shall be subject to abatement in whole or in part as provided in Section 1.4b below.

c. Housing assistance payments shall equal the difference between the rents for the units leased by Families as set forth in Schedule "A" and the amounts of such rents payable by Families (if the housing is financed with a mortgage insured under the National Housing Act, the Schedule "A" rents shall not exceed the rent formula or other rents established by the Government in connection with that mortgage insurance). The LHA shall determine the eligibility of Families and the amount of rentals and other charges to be paid by each Family to the Owner in accordance with standards applicable to the Housing Assistance Payments Program. The amount of housing assistance payment payable on behalf of a Family and the amount of rent payable by such Family shall be subject to change by reason of changes in Family income or composition, as determined by the LHA, effective as of the date stated in a notification of such change by the LHA to the Owner and the Family. However, any increase in the amount payable by the Family shall be offset by a corresponding decrease in the amount of housing assistance payment; and any decrease in the amount payable by the Family shall be offset by a corresponding increase in the amount of housing assistance payment, but not in excess of the amount available with respect to the assisted unit(s) under this Contract out of the aggregate ACC amount pledged in section 1.2b of this Contract for all dwelling units under the ACC.

d. Neither the LHA nor the Government has assumed any obligation whatsoever for the amount of rent payable by any Family or the satisfaction of any claim by the Owner against any Family. The financial obligation of the LHA is limited to making housing assistance payments on behalf of Families in accordance with this Contract.

e. (1) The Owner shall submit monthly requests to the LHA for housing assistance payments. Each such request shall set forth: (a) the name of each Family and the address and/or number of the unit leased by the Family; (b) the rent as set forth in Schedule "A" for each leased unit and the amount of rent payable by the Family leasing the unit; and (c) the amount of housing assistance payment requested by the Owner. Upon the determination of the LHA that the amount of the request is correct and that the Owner is in compliance with the provisions of this Contract, the LHA shall pay to the Owner the amount of housing assistance payment requested, but not in excess of the amount available with respect to the assisted unit(s) under this Contract out of the aggregate ACC amount pledged in section 1.2b of this Contract for all dwelling units under the ACC.

(3) The statements set forth in each of the payment, the LHA, in addition to any other

rights to recovery, may deduct the amount from any subsequent payment or payments.

(3) The statements set forth in each of the Owner's monthly requests for housing assistance payments shall be made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States shall be fined not more than $10,000 or imprisoned for not more than five years or both.

1.4. *Maintenance, operation and inspection.* a. The term "Premises," as used in this Contract, means units which are leased by eligible Families and areas, facilities and grounds which are for their benefit or use, as described in the "Property Description" attached hereto.

b. The Owner agrees (1) to maintain and operate the Premises so as to provide decent, safe, and sanitary housing, and (2) to provide the following services (including security) and maintenance:

[here insert the complete list as contained in the Government-approved Final Proposal]

If, at any time during any term of this Contract, the Owner fails to comply with the obligation in (1) with respect to any unit leased by an eligible Family, housing assistance payments on behalf of such Family shall be wholly abated; and if the Owner fails to comply with the obligation in (2) with respect to any unit leased by an eligible Family, housing assistance payments on behalf of such Family shall be abated in whole or in part. Any abatement under this paragraph b shall be effective upon written notification to the Owner, and shall continue until such time as the obligation is complied with. The LHA shall promptly notify the Family of any such abatement.

c. (1) Prior to occupancy of any unit by an eligible Family, the LHA shall inspect the unit, or cause it to be inspected, to determine that the unit is in decent, safe, and sanitary condition.

(2) The LHA will inspect the Premises or cause them to be inspected, at least annually, to determine that they are in decent, safe, and sanitary condition.

1.5. *Term of contract.* a. The initial term of this Contract shall be _____ years (not to exceed five years) beginning _____ 19 __, and ending _____, 19 __. This Contract shall be renewed, at the option of the Owner, for _____ additional terms(s) of _____ years each (not to exceed five years each), provided that the total Contract term, including renewals, shall not exceed _____[1] years. Renewals shall be automatic unless: (1) the Owner notifies the LHA, no later than 60 days prior to the expiration of the current term, of his intention not to renew or to request a rent renegotiation pursuant to Section 1.6c below; or (2) the LHA notifies the Owner, no later than 30 days prior to the expiration of the current term, that he is in Default, as defined in section 2.6 below. The term of Owner-Family Lease, including renewals, if any, shall not extend beyond the term of this Contract.

b. If the assisted units are accepted in stages, the dates for the initial term and renewal terms shall be separately related to the units in each stage; Provided, however, that in no case may the total Contract term for units in all the stages exceed _____[2] years from the beginning of the first fiscal years under the ACC.

1.6. *Rent adjustments.* Contract rents shall be adjusted, subject to the limitations contained in subsections d and e, below, as follows:

a. *Automatic annual adjustments.* On each anniversary date of the Contract, the monthly rents shown in the Contract shall be adjusted automatically by applying, as an adjustment factor, the Government-determined Automatic Annual Adjustment Factor most recently published by the Government for this purpose provided that the Adjustment Factor was published within one year prior to the date of the Contract adjustment. Rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted rents be less than the rents set forth in the Contract on the date of execution of the Contract.

b. *Special additional adjustments.* Special additional adjustments may be granted when approved by the Secretary of Housing and Urban Development for substantial, general increases in property taxes and/or utility rates but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by automatic annual adjustments.

c. *Renegotiations.* The then current rents contained in the Contract may only be renegotiated to become effective at the beginning of the sixth and eleventh years of the Contract (if the Contract is renewed for that length of time), whether or not such effective date of renegotiation coincides with the beginning of a renewal term. Rents may be renegotiated above the rents which would be permitted by the automatic annual adjustment and/or any special additional adjustment, if the Owner submits to the Government financial statements which clearly support the increase. The Government shall review such statements and may approve rents which reflect reasonable amounts for operation of the Premises and return on investment in comparison with comparable rental projects of the same age. Renegotiated rents shall not be applied retroactively.

d. *Housing financed under the National Housing Act.* Notwithstanding any other provisions of this Contract, in no case may rents for housing financed with mortgages insured under the National Housing Act exceed the rent formula or other rents established by the Government in connection with that mortgage insurance.

e. *Limitation.* The LHA will make housing assistance payments in increased amounts commensurate with rent adjustments or renegotiations under this Section, but not in excess of the amount available with respect to the unit or units under the Contract out of the maximum total amount of annual contributions payable under section 1.3(b)(1) of Part I of the ACC for all dwelling units under that ACC Part I. No commitment is made by the LHA or the Government that such maximum total amount of annual contributions will be increased by reason of any such rent adjustments or renegotiations. However, the Owner may select eligible Families in light of this limitation so that his total receipts (Family rents and housing assistance payments) would be commensurate with the adjusted or renegotiated Contract rents.

1.7. *Contract Amendment.* Any adjustment or renegotiation in Schedule "A" rents shall be incorporated by amendment to Schedule "A" of this Contract.

1.8. *Utilities.* The Owner agrees to provide and to pay promptly when due all utilities for the Premises, except to the extent that Families are obligated to pay directly for utilities for their respective units.

1.9. *Admission of families.* a. The Owner shall be responsible for the selection of Families, subject to certification of eligibility by the LHA.

b. If the Owner was required to submit an Affirmative Fair Housing Marketing Plan, marketing of units and selection of Families by the Owner shall be in accordance with the Owner's Government-approved Affirmative Fair Housing Marketing Plan. In all cases, such marketing and selection of Families shall be in accordance with all regulations relating to fair housing advertising including use of the Equal Opportunity logotype, statement and slogan in all advertising and with applicable LHA regulations establishing admission policies, including policies, if any, carrying out its responsibilities for rehousing displaced Families.

c. The Owner shall request the LHA, in accordance with procedures to be agreed upon between the Owner and the LHA, to make certifications of eligibility of selected Families and to approve proposed Owner-Family Leases. Within _____ days of the submission of any such request to the LHA, or the submission of additional information required by the LHA from the Owner, the LHA shall furnish the Owner with: (1) a determination that the Family is eligible; or (2) a determination that the Family is ineligible; or (3) a statement that specified additional information from the Owner is required to enable the LHA to make its determination. If the LHA fails to furnish a determination or statement within said time limit and such delay results in an eligible unit remaining vacant, the Owner shall be entitled to housing assistance payments for the number of days of vacancy directly due to such delay.

1.10. *Eviction.* The Owner shall not evict any Family unless the Owner complies with the requirements of local law, if any, and of this Section. The Owner shall give the Family a written notice of the proposed eviction, stating the grounds and advising the Family that it has 10 days (or such greater number, if any, that may be required by local law) within which to respond to the Owner. The Owner must obtain the LHA's authorization for an eviction; accordingly a copy of the notice shall be furnished simultaneously to the LHA, and the notice shall also state that the Family may, within the same time period, present its objections to the LHA in writing or in person. The LHA shall forthwith examine the grounds for eviction and shall authorize the eviction unless it finds the grounds to be insufficient under the Lease. The LHA shall notify the Owner and the Family of its determination within 20 days of the date of receipt of the notice by the Family, whether or not the Family has presented objections to the LHA.

1.11. *Owner-family lease.* The Lease between the Owner (Lessor) and the Family (Lessee) shall contain the following provisions:

Addendum to Lease

(Section 23 Housing Assistance Payments Program)

The following additional Lease provisions are incorporated in full in the Lease between _____ (Lessor) and _____ (Lessee) for the following dwelling unit: _____. In case of any conflict between these and any other provisions of the Lease, these provisions shall prevail.

[1] Insert maximum total term determined pursuant to 24 CFR 1276.103(f)(2) and included in the Owner's Final Proposal as approved by the Government, which maximum may in no event exceed 15 years.

[2] Insert maximum total year specified in paragraph a of this Section plus two years.

a. Of the total rent ($_____ per month), $_____ shall be payable by the Housing Authority (LHA) as housing assistance payments on behalf of the Lessee and $_____ shall be payable by the Lessee. These amounts shall be subject to changes by reason of changes in the family income or composition, as determined by the LHA, effective as of the date stated in a notification of such change by the LHA to the Lessee and Lessor.

b. The Lessor shall provide the following services (including security) and maintenance:

[here insert the complete list as contained in section 1.4b of the Housing Assistance Payments Contract]

c. The Lessor shall not evict the Lessee unless the Lessor complies with the requirements of local law, if any, and of this provision. The Lessor shall give the Lessee a written notice of the proposed eviction, stating the grounds and advising the Lessee that he has 10 days (or such greater number, if any, that may be required by local law) within which to respond to the Lessor. Because the Lessor must obtain the LHA's authorization for an eviction, a copy of the notice shall be furnished simultaneously to the LHA, and the notice shall also state that the Lessee may, within the same time period, present his objections to the LHA in writing or in person. The LHA shall forthwith examine the grounds for eviction and shall authorize the eviction unless it finds the grounds to be insufficient under the Lease. The LHA shall notify the Lessor and the Lessee of its determination within 20 days of the date of receipt of the notice by the Lessee, whether or not the Lessee has presented obections to the LHA.

d. The Lessor shall not discriminate against the Lessee in the provision of services, or in any other manner, on the grounds of race, color, creed, religion, sex, or national origin.

Lessor _____
By: _____
Date _____
Lessee _____
Date _____

1.12. *Entire agreement.* This Contract, including Part II and all attachments hereof, contains the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein. No changes in this Contract shall be made except in writing signed by both the Owner and the LHA and approved by the Government.

1.13. *Legal interest.* The Owner warrants that he has the legal right to execute this Contract and to lease dwelling units covered by this Contract.

Local Housing Authority
_____
By:
_____
Owner:
_____
By:
_____

Approved:
United States of America
Secretary of Housing and
Urban Development

By:_____

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly or willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

[If the assisted units are to be completed and accepted in stages, execution of the Contract with respect to the several stages appears on the first pages of this Contract.]

Execution of Contract With Respect to Assisted Units Completed and Accepted in Stages

Stage 1

This Contract is hereby executed with respect to the units described in Exhibit A–1.

Local Housing Authority
_____
By: Date:
_____ _____
Owner:
_____
By: Date:
_____ _____

Approved:
_____
United States of America
Secretary of Housing and
Urban Development

By: _____
Date:_____

Stage 2

This Contract is hereby executed with respect to the units described in Exhibit A–2.

Local Housing Authority
_____
By: Date:
_____ _____
Owner:
_____
By: Date:
_____ _____

Approved:
United States of America
Secretary of Housing and
Urban Development
By: Date:
_____ _____

Stage 3

This Contract is hereby executed with respect to the units described in Exhibit A–3.

Local Housing Authority
_____
By: Date:
_____ _____
Owner:
_____
By: Date:
_____ _____

Approved:
United States of America
Secretary of Housing and
Urban Development
By: Date:
_____ _____

PART II

2.1. *Nondiscrimination in housing.* a. Neither the Owner nor the LHA shall, in the selection or approval of Families, in the provision of services, or in any other manner, discriminate against any person on the grounds of race, color, creed, religion, sex, or national origin. No person shall be automatically excluded from participation in or be denied the benefits of the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

b. The Owner shall comply with all requirements imposed by Title VIII of the Civil Rights Act of 1968, Public Law 90–284, 82 Stat. 73 and any rules and regulations pursuant thereto.

c. The Owner shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Public Law 88–352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, § 1.1, *et seq.;* the requirements of said Department pursuant to said regulations; and Executive Order 11063 to the end that, in accordance with that Act, the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the ground of race, color, creed, religion or national origin, be excluded from participation in, or be denied the benefit of, the Housing Assistance Payments Program, or be otherwise subjected to discrimination. This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, § 1.1, *et seq.;* issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the Owner to comply therewith inures to benefit of the Government, the said Department, and the LHA any of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the Owner.

2.2 *Employment of project area residents and contractors.* The Owner shall comply and shall require each of its contractors and subcontractors employed in the performance of this Contract to comply (including compliance with the Government-approved affirmative action plan for utilization of project area businesses) with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the regulations and requirements of the Government thereunder, requiring that, to the greatest extent feasible, opportunities for training and employment be given lower income residents of the project area and that contracts for work in connection with the operation of the Premises be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the Premises.

2.3. *Cooperation in equal opportunity compliance reviews.* The LHA and the Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4. *Flood insurance.* If the Premises are located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the Premises will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5. *Units not leased to eligible families.* a. If at any time, beginning three months after the execution of this Contract, the Owner fails for a continuous period of three months to have at least 80% of the Contract units leased by eligible Families, the LHA shall refer to the Owner available eligible Families interested in leasing his units. If the LHA makes such referrals to the Owner and the Owner refuses to accept

such Families without good reason, in the judgment of the LHA, the LHA, with Government approval, may on 30 days notice reduce the number of units under this Contract to not less than the number of units under lease by eligible Families; provided, however, that an additional 11% of the number of such leased units may be allowed if the number of such leased units is 10 or more.

b. As of the end of the initial term of this Contract and of each renewal term, the LHA, with Government approval, may reduce the number of units under this Contract to not less than (i) the number of units under lease by eligible Families at that time or (ii) the average number of units so leased during the last year, whichever is the greater number; provided, however, that an additional 11% of the number (or average number, as the case may be) of such leased units may be allowed if the number of such leased units is 10 or more.

c. In the event of any reduction in the number of units under this Contract, in accordance with this Section, the LHA and the Government shall amend the ACC to reduce the amount of annual contributions payable thereunder to an amount commensurate with the lower number of units covered by this Contract.

2.6. *LHA and government access to premises and owner's records.* The Owner shall permit the LHA and the Government or any of their duly authorized representatives to have access to the Premises and, for the purpose of audit and examination, to have access to any books, documents, papers and records of the Owner that are pertinent to compliance with this Contract including the verification of information pertient to the monthly requests to the LHA for housing assistance payments.

2.7. *Default by the owner.* a. A Default by the Owner under this Contract shall result if:

(1) The Owner has violated or failed to comply with any provisions of this Contract or of any Owner-Family Lease; or

(2) The Owner has failed to perform any of his obligations under this Contract or under any Owner-Family Lease; or

(3) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Owner-Family Lease.

b. Upon the determination by the LHA that a Default has occurred, the LHA, with approval of HUD, may notify the Owner that the LHA is terminating the Contract effective 30 days from the date of notice, unless within that period the Owner cures any non-compliance, or initiates a course of corrective action which will cure the noncompliance within such minimum additional time as may be necessary and agreed to by the LHA with the approval of the Government. If the LHA so notifies the Owner, it shall also send a copy of such notice to the Families, together with information regarding continued assistance.

2.8. *Default by the LHA.* a. A Default by the LHA under this Contract shall result if:

(1) The LHA has violated or failed to comply with any provisions of the Contract or failed to perform any of its obligations under this Contract; or

(2) This Contract at any time is held to be void, voidable, or ultra vires, or the power or right of the LHA to enter into this Contract is drawn into question in any legal proceeding; or

(3) the LHA asserts or claims that this Contract is not binding upon it for any reason, or otherwise asserts or demonstrates that it does not intend to fulfill its obligations under said Contract.

b. Upon the determination by the Government that a Default by the LHA has occurred, the following provision of the ACC (which is hereby made a part of this Contract), shall be applicable:

[In such case] the Local Authority shall, if the Government so requires, assign to the Government all of its rights and interests in and to the Project, or such part thereof as the Government may specify and the Government shall continue to pay Annual Contributions with respect to dwelling units covered by Housing Assistance Payments Contracts in accordance with the terms of this ACC until reassigned to the Local Authority. After the Government shall be satisfied that all defaults with respect to the Project have been cured and that the Project will thereafter be operated in accordance with the terms of this ACC, the Government shall reassign to the Local Authority all of the rights and interests of the Government in and to the Project as such rights and interests exist at the time of such reassignment.

2.9. *Remedies not exclusive and non-waiver of remedies.* Any remedy provided for herein shall not be exclusive or preclude the Owner, LHA and/or the Government from exercising any other remedy available under this Contract or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies available to such parties. Failure on the part of any such party to exercise any right or remedy shall not constitute a waiver of that or any other right or remedy, nor operate to deprive the party of the right thereafter to take any remedial action for the same or any subsequent default.

2.10. *Disputes.* a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Contract which is not disposed of by agreement of the LHA and Owner may be submitted by either party to the U.S. Department of Housing and Urban Development field office director who shall make a decision and shall mail or otherwise furnish a written copy thereof to the Owner and the LHA.

b. The decision of the field office director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, either party mails or otherwise furnishes to the Government a written appeal addressed to the Secretary of Housing and Urban Development. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this Section, the appellant shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, both parties shall proceed diligently with the performance of the Contract and in accordance with the decision of the field office director.

c. This Section does not preclude consideration of questions of law in connection with the decisions rendered under paragraph a and b of this Section; Provided, however, that nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

2.11. *Interest of members, officers or employees of LHA, members of local governing body of other public officials.* No member, officer, or employee of the LHA, no member of the governing body of the locality (city and county) in which the Premises are situated, no member of the governing body of the locality in which the LHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the Premises, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Contract or in any proceeds or benefits arising from it.

2.12. *Interest of member of or delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Contract or to any benefits which may arise therefrom.

2.13. *Nonassignability.* a. The Owner agrees that he has not made, and will not make any sale, assignment, or conveyance or transfer in any other form, of this Contract or the Premises, or any part thereof, or any of his interest therein, except as follows:

(1) with the prior consent of the LHA and the Government; or

(2) to a financial institution or trustee for the purpose of obtaining financing of the rehabilitation under this Contract, to which assignment the LHA and the Government shall consent in writing if requested by the Owner or the lender.

An assignment by the Owner to a limited partnership of which the Owner is the general partner shall not be considered an assignment herein.

b. The Owner agrees to notify the LHA and the Government promptly of any proposed action covered by paragraph c of this Section, and to request the written consent of the LHA and the Government in regard thereto.

c. For the purpose of this Section, a transfer of stock in the Owner in whole or in part by a party holding ten percent or more of the stock of said Owner, or a transfer by more than one stockholder or the Owner of ten percent or more of the stock of said Owner or any other similarly significant change in the ownership of such stock or in the relative distribution thereof in or with respect to the parties in control of the Owner or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Contract or the Premises. With respect to this provision, the Owner and the party signing this Contract on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

APPENDIX XIII—DETERMINATION OF FAMILY ELIGIBILITY AND LEASE APPROVAL—SUBSTANTIAL REHABILITATION

PART I—REQUEST FOR AUTHORITY DETERMINATIONS

1. *Request.* The undersigned Owner and Family hereby request (Name of Local Housing Authority) to issue a Certificate of Family Participation to the Family and to approve a proposed lease for a period of _____ months, beginning _____, 19__, for a dwelling unit consisting of __ bedrooms and located at: (Street Address and Apartment Number, if any).

Attached are Family income and other information pertaining to the Family, and the proposed lease, complete except for execution and amount of rent payable by the Family.

2. *Security deposit.* The family ☐ will ☐ will not require Authority assistance to pay security and/or utility deposits. The

amount of the Owner's required security deposit (not to exceed one month's rent) is $_____. The amounts of the required utility deposits are:

Deposit to (Insert name of utility company) $_____

Deposit to (Insert name of utility company) $_____

_____
(Date)

_____
(Signature of owner)

By: _____

_____
(Signature of Family Representative)

_____
(Present Address of Family)

_____
(Date)

PART II—AUTHORITY DETERMINATION

(To be sent to the Owner and to the Family)

(Check Applicable Boxes)

☐ 1. *Additional information required.* To enable this Authority to make a determination regarding the eligibility of the Family headed by _____, the following additional information is required from the Owner:

After the Owner has submitted the required information he will be notified by this Authority of its determination within the time period specified in his Agreement or Contract with this Authority.

☐ 2. *Determination of eligibility.* This Authority has determined that the Family headed by _____ is eligible for participation in the Housing Assistance Payments Program of this Authority as set forth in a Certificate of Family Participation issued and signed by this Authority. In addition, this Authority has determined that the proposed lease and the dwelling unit meet the program requirements, and they are hereby approved.

Returned herewith are (a) the Certificate of Family Participation, attached as Part III, and (b) the proposed lease, completed by the Authority with respect to the portion of the lease rental which the Family shall be obligated to pay to the Owner. The Certificate shall be signed by the Family and the lease shall be signed by the Owner and the Family. A copy of each signed document shall be returned to the Authority.

Attached is a Security Deposit Agreement signed by this Authority, which shall be signed by the Owner and the Family and returned to the Authority.

☐ Yes

☐ No

☐ 3. *Determination of ineligibility.* a. This Authority has determined that the Family headed by _____ is not eligible for participation in the Housing Assistance Payments Program of this Authority.

b. This Authority has determined that the proposed lease and/or dwelling unit does not meet the requirements of the Housing Assistance Payments Program of this Authority in the following respects:

_____
(Date)

_____
(Name of Local Housing Authority)

By: _____
(Signature and Title of LHA Representative)

PART III—CERTIFICATE OF FAMILY PARTICIPATION

(To be sent to the Owner and the Family)

1. *Certification.* The undersigned Authority hereby certifies that the Family headed by _____ is authorized to participate in the Section 23 Housing Assistance Payments Program of this Authority by leasing a unit consisting of _____ bedrooms and located at: (Street Address and Apartment Number, if any).

Under this program, the Authority makes housing assistance payments on behalf of participating families toward their rents for decent, safe, and sanitary dwelling units.

2. *Rent.* Under the rules and regulations of the Housing Assistance Payments Program, the Family will be obligated to pay $_____ toward the monthly lease rental; provided that this amount will be reduced by the LHA-determined allowance for any utilities to be paid directly by the Family, and such reduced amount will be specified in the lease. The amount of the Family's payment is subject to change by reason of changes in the income or composition of the Family.

3. *Conditions.* The Family agrees to perform all its obligations under the Housing Assistance Payments Program including the obligations to (a) provide such Family income information and records as may be required in the administration of the program; (b) permit inspections of its dwelling unit at reasonable times and with reasonable advance notice; and (c) give at least 30 days notice to the Authority of the Family's intention to vacate the unit.

_____
(Date)

_____
(Name of Local Housing Authority)

By: _____
(Signature and Title of LHA Representative)

_____
(Signature of Family Representative)

_____
(Present Address of Family)

_____
(Date)

NOTE: Appendices XIV and XV, which relate to internal HUD processing procedures, are not included herein, but do appear in the HUD Substantial Rehabilitation Program Handbook.

APPENDIX XVI—SECURITY DEPOSIT AGREEMENT

1. The _____ Housing Authority agrees to pay on behalf of the family headed by _____, herein referred to as the Family, the following amounts as security deposits in connection with the leasing by said Family of a dwelling unit from (Name of Lessor):

Deposit to Lessor	$
Deposit to_____[1]	$_____
Deposit to_____[1]	$_____
Total amount of deposits	$

2. On or before the effective date of the lease to be entered into between the Family and the Lessor, the Family agrees to pay $_____[2] to the Housing Authority as a first installment toward repayment of the total amount for security and/or utility deposits stated in item 1 above, leaving a balance of $_____.

3. The Family agrees to repay the stated balance by paying monthly installments of $_____[3] to the Lessor acting on behalf of the Housing Authority. These payments shall begin on the first day of the second month of the lease, and they shall be in addition to the Family's regular monthly rental payments to the Lessor.

4. The Lessor agrees to collect from the Family the monthly amounts specified in item 3 above and remit them to the Housing Authority, with the understanding, however, that failure on the part of the Family to pay such amounts shall not affect the Lessor's rights to housing assistance payments otherwise payable to him by the Housing Authority.

_____
(Date)

_____
(Signature of LHA Representative)

_____
(Signature of the Family Head)

_____
(Signature of the Lessor Representative)

_____
(Date)

_____
(Date)

_____
(Date)

NOTE: Appendices XVII, XVIII, XIX, and XX, which relate to internal HUD processing procedures, are not included herein, but do appear in the HUD Substantial Rehabilitation Program Handbook.

Effective date. These regulations shall become effective on July 3, 1974.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit, FHA Commissioner.

[FR Doc.74-14970 Filed 7-2-74;8:45 am]

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[1] Insert name of utility company to which deposit is paid.

[2] Insert an amount equal to the lesser of (a) one-twelfth of the Total Amount of Deposits stated in Item I above or (b) one month's gross family contribution.

[3] Insert monthly amount to be paid by the Family, generally in the amount of one-eleventh of the balance due. This amount may subsequently be adjusted by the Housing Authority be reason of changes in income or rent-paying ability of the Family by amendment of this Agreement.

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PART IV

ENVIRONMENTAL PROTECTION AGENCY

■

UNLEADED FUEL

Supplemental Proposal and Correction

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 80]

UNLEADED FUEL

Availability; Supplemental Notice of Proposed Rulemaking and Correction

In the May 7, 1974 issue of the FEDERAL REGISTER (39 FR 16137), the Environmental Protection Agency published a notice of proposed rulemaking to amend the regulations dealing with the general availability of unleaded gasoline by requiring certain gasoline retail outlets in specified rural counties to offer unleaded gasoline by January 1, 1975.

Supplemental notice is hereby given that the Agency proposes to advance to October 1, 1974 the effective date of the proposed requirement applicable to certain rural stations. The Agency also seeks to correct an omission in the text of Appendix C of the proposed regulations on page 16138 and the misspelling of a county name on page 16137.

On January 10, 1973, the Environmental Protection Agency promulgated regulations (38 FR 1254) which require retail outlets that sold 200,000 or more gallons of gasoline in any calendar year beginning with the year 1971 to offer for sale unleaded gasoline after July 1, 1974. Under these regulations about 1 of every 2.2 stations (45%) throughout most of the country are required to carry unleaded gasoline. In counties which have a population density of under 50 persons per square mile, however, only 29% of the stations are required to carry unleaded fuel under the 200,000 gallon per year requirement.

The amendments proposed on May 7, 1974 (39 FR 16137) would increase retail outlet coverage in these low population density counties. These proposed amendments would provide that any retail outlet which sold at least 150,000 gallons of gasoline in 1971, or any later year, and is located in a county containing fewer than 50 people per square mile (excluding cities containing 50,000 or more people), must offer at least one grade of unleaded gasoline for sale after January 1, 1975. This date was selected to provide sufficient time for these outlets to comply once the regulations were promulgated, particularly in light of possible delays in equipping gasoline pumps with nozzle spouts designed in accordance with the regulations and in the availability of unleaded fuel for the flushing of underground tanks.

Information recently supplied to the Agency indicates that the lead time to procure nozzle spouts and unleaded fuel for flushing may have been overestimated. We now believe that compliance by these retail outlets may be feasible by October 1, 1974.

While some two-grade marketers may choose to install a third underground tank in order to avoid the relinquishment of a grade of gasoline currently sold, it is not necessary to add a third tank or to replace an existing tank to accommodate the sale of uncontaminated unleaded gasoline. Information provided to EPA shows that a relatively simple and inexpensive flushing procedure is sufficient to permit existing tanks to store unleaded gasoline without contamination of the product. Thus, unleaded gasoline may be substituted for a leaded grade currently being sold, either as an interim measure before conversion to three grades, or on a permanent basis as part of a two-grade marketing strategy.

In view of these considerations, and to assure that there will be a sufficient number of retail outlets offering unleaded gasoline in rural counties at the earliest possible date, EPA is proposing to advance the January 1, 1975 compliance date to October 1, 1974. To promulgate an earlier compliance date, however, EPA must be assured that there will be a sufficiency of nozzle spouts with dimensions as required by the regulations. In addition, there must be enough time for retailers and possibly bulk plant operators affected by the proposed regulations of May 7, 1974 to flush or otherwise prepare their current storage tanks.

The Agency also wishes to correct an inadvertent omission in the text of Appendix C of the FEDERAL REGISTER Document at page 16138, third column, in the issue dated Tuesday, May 7, 1974. These counties, all in the State of Georgia, contain fewer than 50 persons per square mile (excluding cities containing populations equal to or greater than 50,000 persons). The name of the omitted counties together with their population densities follow:

State/ County	Population [1]	State/ County	Population [1]
Georgia:		Irwin	22
Effingham	28	Jasper	15
Elbert	48	Jeff Davis	28
Emanuel	27	Jefferson	32
Evans	39	Jenkins	24
Fannin	34	Johnson	25
Franklin	49	Jones	30
Gilmer	20	Lanier	28
Glascock	16	Laurens	40
Grady	38	Lee	20
Greene	25	Liberty	34
Hancock	19	Lincoln	31
Harris	25	Long	9
Heard	18	Lumpkin	30

[1] County Density (persons per square mile) excluding cities of 50,000 or more.

Further, a misspelling of a county name should be rectified on page 16137 of this same issue. In the third column, Polk County should be corrected to Pope.

Interested persons may submit written comments on the proposed amendment, in triplicate, to the Director of Mobile Source Enforcement Division, EG-340, Environmental Protection Agency, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

Comments are specifically requested from equipment manufacturers and gasoline retailers with respect to the anticipated availability of the required nozzle spouts and the time required for their delivery to the retail outlets selling under 200,000 gallons per year as designated in the proposed amendments (39 FR 16137). The comments should address the possibility of implementing these amendments by October 1, 1974.

All relevant comments postmarked on or before August 2, 1974 will be considered. Comments will be available for public inspection during normal business hours (8 a.m. to 4:30 p.m.) at the Office of Public Affairs, Environmental Protection Agency, Room 329C, 401 M Street, S.W., Washington, D.C. 20460.

(Sec. 211, 301, Clean Air Act, as amended (42 U.S.C. 1857f-6c, 1857g(a)))

Dated: June 25, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-15183 Filed 7-2-74;8:45 am]

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