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PART I

December 2, 1974—Pages 41705–41821

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

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1974 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1974. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

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CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 34–11102]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegation of Authority to Director of Division of Market Regulation To Designate Certain Broker-Dealer Accounts

The Securities and Exchange Commission announced today the amendment of § 200.30–3 of Chapter II of Title 17 of the Code of Federal Regulations. The amendment provides for the delegation of authority by the Commission to the Director of the Division of Market Regulation to designate certain broker-dealer accounts, maintained to effect accommodation transfers or other similar purposes, as control locations for purposes of the possession and control requirements of Rule 15c3–3 [§ 240.15c3–3].

Rule 15c3–3 under the Securities Exchange Act of 1934 requires that a broker-dealer shall obtain promptly and thereafter maintain physical possession or control of all fully paid and excess margin securities carried for the account of his customers and to take action within designated time frames where possession or control has not been established. Paragraph (c) of Rule 15c3–3 specifies various locations which are deemed satisfactory control locations and subparagraph (c)(7) provides that control of customer securities has been established if securities are held in such locations as the Commission shall upon application from a broker or dealer find and designate to be "adequate for the protection of customer securities."

It is a common practice for broker-dealers to facilitate the transfer process

for a purchasing broker-dealer by providing for the transfer of securities which have been purchased and fully paid for by such purchasing broker-dealer. The selling broker-dealer retains accountability for such securities until they are returned from transfer and the securities are then promptly delivered to the purchasing broker-dealer. In the past, the purchasing broker-dealer could not look to the selling broker-dealer as a good control location for purposes of the possession or control requirements of Rule 15c3–3.

The Commission believes, however, that the transfer services provided by accommodating broker-dealers are both useful and desirable to smaller broker-dealers not located in the major financial centers near transfer agents and that the practice ultimately benefits the customers of these firms. The Commission, therefore, has delegated to the Director of the Division of Market Regulation the authority to designate as control locations those accounts which are "adequate for the protection of customer securities."

In this connection, the Division of Market Regulation sent the following letter to the National Association of Securities Dealers establishing guidelines for applications for control locations to be utilized for the purposes of accommodation transfers. These criteria are intended only to be guidelines and specific factual patterns may require deviation therefrom.

JULY 15, 1974.

Mr. DOUGLAS F. PARRILLO, Director—Regulatory Policy and Procedures, National Association of Securities Dealers, Inc., 1735 K Street, NW., Washington, D.C. 20006.

DEAR MR. PARRILLO: In your letter of August 20, 1973, you indicate that the Association has received numerous inquiries from its membership concerning the effect upon a firm's net capital where advance payments are made for securities which the firm is failing to receive. You state that these situations frequently arise as a result of the practice by small broker-dealers of prepaying fail-to-receive contracts to facilitate the transfer process. You indicate that you understand that the Commission would consider a prepayment by a broker-dealer on a fail-to-receive created by a customer transaction as a contingent liability includable in aggregate indebtedness pursuant to Rule 15c3–1 under the Securities Exchange Act of 1934.

With respect to the application of the provisions of Rule 15c3–1 to such transactions, it is our view that such items should not be considered contingent liabilities but rather unsecured short positions which should be deducted by a broker-dealer pursuant to a computation under Rule 15c3–1. We recognize that the transfer service provided is useful and desirable to smaller broker-dealers not located in the major financial centers and that the practice ultimately benefits the customers of these firms. Therefore, we would recommend that no action be taken if a broker-dealer does not deduct such items as an unsecured short position pursuant to a computation of its net capital under Rule 15c3–1, where such items conform to the criteria set forth below.

For the purposes set forth above, a broker-dealer who wishes to utilize the facilities of another broker-dealer for accommodation transfers shall obtain a statement from the broker-dealer effecting such transfers which shall provide that accommodation transfers shall be carried by the carrying broker-dealer in an account designated as a "Special Custody Account for Accommodation Transfers for the Exclusive Benefit of Customers of (name of purchasing broker-dealer)" (the "Account"). The Account shall contain only the securities of customers of that particular broker-dealer in transfer, or pending transfer. The broker or dealer carrying the Account shall not effect security transactions through such Account, its purpose being exclusively for carrying securities being transferred for the customers of the purchasing broker-dealer. The broker-dealer carrying the Account shall agree that securities carried in such Account shall be free of any charge, lien or claim of any kind in favor of such carrying broker-dealer. Additionally, the carrying broker-dealer shall undertake to comply fully with all aspects of Rule 15c3–3 with respect to the Account.

Finally, it is our view that the term customer set forth in subparagraph (a)(1) of Rule 15c3–3 shall be deemed to include a broker-dealer to the extent that such broker-dealer maintains with another broker-dealer an account designated "Special Custody Account for Accommodation Transfers for the Exclusive Benefit of Customers of (name of purchasing broker-dealer)", which meets the criteria set forth above and if such criteria were complied with by the carrying broker-dealer, the Division would consider recommending to the Commission that such accounts be treated as control locations for purposes of Rule 15c3–3(c)(7) upon an appropriate application to the Commission by the carrying broker-dealer.

Sincerely,

NELSON S. KIBLER,
Assistant Director, Broker-Dealer, Financial Responsibility and Securities Transactions.

Commission action: Pursuant to Sections 15(c)(3) and 23(a) of the Securities Exchange Act of 1934, Section 6(c)(2)(C)(iii) of the Securities Investor Protection Act of 1970 and Section 1 of Public Law 87–592, the Securities and Exchange Commission hereby amends § 200.30–3 of Chapter II of Title 17 of the Code of Federal Regulations by adding a new subparagraph (11) to paragraph (a) thereunder, reading as follows:

§ 200.30–3 Delegation of authority to Director of Division of Market Regulation.

* * * * * * *

(a) * * *

(11) Pursuant to Rule 15c3–3 (§ 240.15c3–3 of this chapter) to find and designate as control locations for purposes of Rule 15c3–3(c)(7) (§ 240.15c3–3(c)(7) of this chapter) certain broker-dealer accounts which are adequate for the protection of customer securities.

(Secs. 15(c)(3), 23(a), 48 Stat. 895, Secs. 3, 8, 49 Stat. 1377, 1379, Sec. 2, 52 Stat. 1075, Sec. 10, 78 Stat. 580, Sec. 7(d), 84 Stat. 1653, 15 U.S.C. 78o(c)(3), 78w(a); Sec. 1, 76 Stat. 394, 15 U.S.C. 78d–1).

The Commission finds that the foregoing amendment involves only matters of agency organization, procedure or practice, and accordingly, notice and procedures under 5 U.S.C. 553 are unnecessary. Therefore, the foregoing amendment shall become effective November 14, 1974.

By the Commission.

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

NOVEMBER 14, 1974.

[FR Doc.74–28057 Filed 11–29–74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

DELEGATIONS OF AUTHORITY RELATING TO CERTIFICATION OF INSULIN AND ANTIBIOTICS

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to provide for revised delegations relating to authority to certify insulin and antibiotics. The Bureau of Drugs reorganization, notice of which was published in the FEDERAL REGISTER of September 24, 1974 (39 FR 34316), transferred the certification services function to the Division of Drug Product Quality. This amendment revises the delegation of authority to reflect the new location of this function.

Further redelegation of the authority redelegated hereby is not authorized. Authority redelegated hereby to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.121 by revising paragraphs (h) and (i) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * * * *

(h) *Delegations regarding certification of insulin.* The Director, Deputy Director, and the Associate Director and Deputy Associate Director for Compliance of the Bureau of Drugs, the Director and Deputy Director of the Division of Drug Product Quality of that Bureau, and the Chief and Assistant Chief of the Certification Services Branch of that Division and Bureau are authorized to certify or reject batches of drugs containing insulin, pursuant to section 506(a) of the Federal Food, Drug, and Cosmetic Act.

(i) *Delegations regarding certification of antibiotic drugs.* The Director, Deputy Director, and the Associate Director and

Deputy Associate Director for Compliance of the Bureau of Drugs, the Director and Deputy Director of the Division of Drug Product Quality of that Bureau, and the Chief and Assistant Chief of the Certification Services Branch of that Division and Bureau are authorized to certify or reject batches of antibiotic drugs, or any derivative of these drugs, pursuant to section 507(a) of the Federal Food, Drug, and Cosmetic Act.

* * * * *

Effective date. This order shall be effective on December 2, 1974.

(Sec. 701(a), 52 Stat. 1055; (21 U.S.C. 371(a))

Dated: November 22, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27980 Filed 11-29-74;8:45 am]

Title 38—Pensions, Bonuses and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 36—LOAN GUARANTY

Interest Rate Change

The Veterans Administration is amending §§ 36.4212(a)(2) and (3), 36.4311 and 36.4503, Title 38 of the Code of Federal Regulations to reduce the maximum allowable interest rate on new loans.

Sections 36.4311 and 36.4503, Title 38 of the Code of Federal Regulations are being amended to reduce the maximum interest rate on new guaranteed, insured and direct loans from 9½ to 9 percent. Section 36.4212(a)(2) and (3), Title 38 of the Code of Federal Regulations relating to that portion of a mobile home loan which finances the purchase of a lot and the cost of necessary site preparation is amended to reduce the maximum interest rate from 9½ to 9 percent. Thus, the interest rate on such loans will be consistent with that in effect on other guaranteed and insured loans for real estate purposes.

Compliance with the provisions of § 1.12 of this chapter is waived in this instance because failure to do so would delay the effective date of the amendments for a period in excess of 40 days and deprive veteran-purchasers of the benefit of the interest rate reductions during that time.

1. In § 36.4212, paragraph (a) introduction, (2) and (3) is amended to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to November 25, 1974:

* * * * *

(2) 9 percent simple interest per annum for that portion of the loan which finances the purchase of a lot and the cost of necessary site preparation, if any.

(3) 9 percent simple interest per annum on that portion of a loan which will finance the cost of the site preparation necessary to make a lot owned by the veteran acceptable as the site for the mobile home purchased with the proceeds of the loan except that a rate of not to exceed 12 percent may be charged if the portion of the loan to pay for the cost of such necessary site preparation does not exceed $2,500.

* * * * *

2. In § 36.4311, paragraph (a) is amended to read as follows:

§ 36.4311 Interest rates.

(a) Excepting non-real estate loans insured under 38 U.S.C. 1815 and loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 9 per centum per annum, effective November 25, 1974, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 9 per centum per annum on the unpaid principal balance.

* * * * *

3. In § 36.4503, paragraph (a) is amended to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after May 7, 1968, shall not exceed an amount which bears the same ratio to $25,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $12,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 9 percent per annum.

* * * * *

These VA Regulations are effective November 25, 1974.

Approved: November 22, 1974.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.74-28043 Filed 11-29-74;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER J—FISCAL AND FINANCIAL AFFAIRS

PART 112—DISTRIBUTION OF JUDGMENT FUNDS AWARDED TO THE OSAGE TRIBE OF INDIANS IN OKLAHOMA

Determination of Appeals

The general authority of the Secretary of the Interior to issue regulations is conferred by 5 U.S.C. section 301, and sections 463 and 465 of the Revised Statutes (25 U.S.C. sections 2 and 9). Specific authority to issue regulations for the distribution of judgment funds awarded to the Osage Tribe of Indians in Oklahoma is conferred by Sec. 5 of the Act of October 27, 1972 (86 Stat. 1295, 1296; (25 U.S.C. section 883d)).

Paragraph (c) of § 112.1 and paragraph (d) of § 112.8 of Part 112, Subchapter J, Chapter I of Title 25 of the Code of Federal Regulations are being revised to provide that the Regional Solicitor, Tulsa rather than the Associate Solicitor-Indian Affairs shall determine appeals from orders of distribution. Since no substantive provision is involved, this being a matter of agency management, advance notice and public procedure thereon are not required. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection(a)(2) of 5 U.S.C. 553 (1970). Further, since a substantive rule is not involved, the 30-day deferred effective date provided for by subsection (d) of 5 U.S.C. 553 (1970) is not applicable. Accordingly, this revision will be effective December 2, 1974.

1. As revised, paragraph (c) of § 112.1 reads as follows:

§ 112.1 Definitions.

* * * * *

(c) "Regional Solicitor, Tulsa" means the Regional Solicitor for the Tulsa Region of the Office of the Solicitor, U.S. Department of the Interior, P.O. Box 3156, Tulsa, Oklahoma 74101.

* * * * *

2. As revised, paragraph (d) of § 112.8 reads as follows:

§ 112.8 Appeal from an order of distribution.

* * * * *

(d) The Regional Solicitor, Tulsa is authorized to determine appeals from Orders of Distribution in accordance with the act and the regulations in this part. The Regional Solicitor's decision thereon shall be final on the date of the issuance of his decision and shall constitute the final action of the Department of the Interior in connection with such appeal.

* * * * *

Dated: November 22, 1974.

JOHN C. WHITAKER,
Under Secretary of the Interior.

[FR Doc.74-28046 Filed 11-29-74;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 414]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date apeparing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
California	Los Angeles	Carson, city of	Nov. 26, 1974. Emergency	July 19, 1974		
Illinois	Hancock	Warsaw, city of	do	Dec. 17, 1973		
Michigan	Huron	McKinley, township of	do			
New Jersey	Warren	Mansfield, township of	do	Aug. 16, 1974		
Do	Monmouth	Howell, township of	do	Mar. 22, 1974		
Pennsylvania	Allegheny	Brackenridge, borough of	do	Feb. 15, 1974		
Do	Berks	Caernarvon, township of	do	June 28, 1974		
South Dakota	Lawrence	Deadwood, city of	do			
Texas	Hopkins	Sulphur Springs, city of	do	Feb. 1, 1974		
Utah	Cache	Logan, city of	do	Jan. 16, 1974		
Do	Morgan	Morgan City, city of	do	June 28, 1974		
Virginia	Culpeper	Unincorporated areas	do			
Wisconsin	Rusk	Bruce, village of	do	May 24, 1974		

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

Issued: November 20, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-27918 Filed 11-29-74;8:45 am]

[Docket No. FI 415]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date apeparing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Georgia	Chatham	Pooler, town of	Nov. 27, 1974. Emergency			
Do	Liberty	Flemington, city of	do			
Illinois	McHenry	Cary, village of	do	Apr. 12, 1974		
Do	Cook	Inverness, village of	do	Mar. 22, 1974		
Do	Adams	Unincorporated areas	do			
Iowa	Decatur	Leon, city of	do	Aug. 9, 1974		
Do	Jones	Monticello, city of	do	June 28, 1974		
Maryland	Worcester	Pocomoke, city of	do	Apr. 5, 1974		
Oklahoma	Tulsa	Broken Arrow, city of	do			
South Carolina	Newberry	Newberry, city of	do	Sept. 6, 1974		
Texas	Bell	Harker Heights, city of	do	May 24, 1974		
Utah	Carbon	Unincorporated areas	do			
West Virginia	Monroe	Peterstown, town of	do	June 28, 1974		

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

Issued: November 20, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-27919 Filed 11-29-74;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

Subchapter A—Bureau of Government Financial Operations

PART 240—INDORSEMENT AND PAYMENT OF CHECKS DRAWN ON THE UNITED STATES TREASURY

Special Powers of Attorney—Standard Form 233

Correction

In FR Doc. 74-27476 appearing at page 41174 in the issue for Monday, November 25, 1974 make the following change: in the third column, the sixth line from the bottom in § 240.12(c) the word "specific" should read "specified".

Title 32—National Defense

CHAPTER XVIII—DEFENSE CIVIL PREPAREDNESS AGENCY

PART 1805—UNITED STATES CIVIL DEFENSE CORPS

Withdrawal of Part

Part 1805 provides minimum standards for State and local organizations which, upon qualification, are to be known collectively as the United States Civil Defense Corps.

By Notice published in the FEDERAL REGISTER 39 FR 39480, the United States Civil Defense Corps has been continued in existence. While the collectivity will continue to exist, it is not deemed necessary to regulate the activities thereof in the manner heretofore specified in Part 1805. This does not mean that regulatory material might not appear in other parts of the Defense Civil Preparedness Agency Regulations.

In view of the foregoing, Part 1805 of Title 32 of the Code of Federal Regulations is hereby withdrawn.

Effective: November 14, 1974.

JOHN E. DAVIS,
Director,
Defense Civil Preparedness Agency.

[FR Doc.74-27958 Filed 11-29-74;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 299-7]

PART 120—WATER QUALITY STANDARDS

Navigable Waters of the Commonwealth of Kentucky

The purpose of this notice is to amend 40 CFR Part 120 to establish regulations setting forth standards of water quality to be applicable to the Commonwealth of Kentucky pursuant to section 303(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1313(c); 86 Stat. 816 et seq.; Pub. L. 92-500; the "Act"). A notice proposing such regulations was published by the Environmental Protection Agency in the FEDERAL REGISTER on September 26, 1974 (39 FR 31574-31575).

Under section 303 of the Act, the Administrator of the Environmental Protection Agency is responsible for reviewing State water quality standards applicable to waters of the United States. Section 303(c) requires the Administrator to "prepare and publish proposed regulations setting forth a revised or new water quality standard for the navigable waters involved * * * in any case where [he] determines that a revised or new standard is necessary to meet the requirements of the Act."

In fulfilling its obligation to review State water quality standards, the EPA applies certain policies and guidelines. Water quality standards classifications and associated criteria establish national water quality goals designed to meet the requirements of the Act—protection of the public health and welfare and enhancement of the quality of the nation's waters. It is the policy of the Environmental Protection Agency that all navigable waters should be protected for recreational uses in or on the water and for preservation and propagation of desirable or indigenous species of the aquatic biota as part of the national water quality standards program. Use and value of the water for other uses will be considered in setting standards, but in no case are the criteria and use designations to interfere with the recreational uses and the preservation of desirable or indigenous species of aquatic biota. Temporary exceptions to this policy may be granted on a case-by-case basis where necessary in view of naturally occurring poor water quality or technological limitations.

It is also the policy of the EPA that water quality standards apply to all navigable waters. The term "navigable waters" is defined in section 502(7) of the Act, as "the waters of the United States, including the territorial seas," and is further defined in 40 CFR 125.1. Both the legislative history and developing case law support a broad interpretation of the term. As a general rule, streams which normally have flow are considered "waters of the United States." The Agency's policy is to consider as navigable waters:

(1) All waters that can be reasonably expected to support aquatic biota;

(2) Streams that may be seasonal, but are nonetheless normally not dry;

(3) Tributaries of navigable streams whose flow is maintained by effluent from any discharge.

On November 5, 1973, and February 6, 1974, Kentucky adopted and submitted to the EPA, new and revised water quality standards in accordance with section 303 of the Act. The EPA approved the Kentucky standards on February 28, 1974. These revised standards apply to those streams found on the map entitled "Streams of Kentucky" (appended to Kentucky Administrative Regulation investigation, the EPA determined that WP-6-2). Following further study and coverage of the "Streams of Kentucky" map is not sufficient to meet the requirements of the Act. "Waters of the United States" are excluded from the map, and thereby excluded from classification as required under the Act.

The EPA notified the State, on August 7, 1974, that all "waters of the United States" were not classified under the present standards. On September 26, 1974, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER proposing classifications of "aquatic life" for all "waters of the United States" in the Commonwealth of Kentucky not found on the aforementioned map, "Streams of Kentucky." In addition, a fecal coliform limit was proposed for those waters previously not classified in order to assure that secondary contact recreation quality be maintained in accordance with the national policy.

A public comment period was established for 45 days following publication of the proposals. Eleven comments were received before the deadline of November 11, 1974. All comments were carefully evaluated and considered prior to the promulgation of the subject regulations. While the Agency believes the above discussion adequately addresses all comments received, personal replies by the Agency to these comments have been prepared and forwarded to the correspondents prior to promulgation, and are available for public review. Further, having fully reviewed the substance of all comments received, the Administrator has determined that public hearing on the proposal is not warranted.

The complete standards document setting forth the Kentucky standards, as approved by the EPA on February 28, 1974, and amended herein, is available for inspection and copying at the U.S. Environmental Protection Agency, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309. U.S. EPA information regulation 40 CFR Part 2, provides that a fee may be charged for making copies.

In consideration of the foregoing, 40 CFR Part 120 is hereby amended by deleting from § 120.10 the paragraph entitled "Kentucky," and adding a new § 120.21, to read as follows:

§ 120.10 [Amended]

§ 120.21 Kentucky water quality standards.

Water quality standards established by Kentucky which are contained in the following documents: WP-4-1, Water Quality Standards for the Commonwealth of Kentucky, July 23, 1971, Antidegradation Statement, March 5, 1971, WP-6-2, Use Classification of Waters, Treatment Requirements, and Compliance, November 5, 1973, and "Policy for Addition of Streams not Shown on the Map, "Streams of Kentucky," February 6, 1974, will be the water quality standards for the Commonwealth of Kentucky except as amended in the following particulars:

(a) The following shall be added to WP-4-1:

SECTION 6. The EPA Administrator or his designee may grant an exception to classifications and/or criteria upon adequate demonstration that maintenance of water

quality necessary for the preservation and propagation of desirable or indigenous species of aquatic biota and secondary contact recreation is not attainable. This determination must be made on a case-by-case basis with respect to a specific stream segment following an analysis of each area. The analysis must show that the necessary water quality cannot be achieved due to technological limitations and/or naturally occurring poor water quality.

All exceptions will be temporary and subject to review at least every three years beginning in October, 1975.

(b) Section 1.(2) Regulation WP–6–2 shall be revised as follows:

All waters as defined in 40 CFR 125.1 not shown on the map described in (1) of this section shall be classified *Aquatic Life*, as set forth in Section 3(3) of WP–4–1 and shall meet the water quality criteria supporting that classification; and in addition shall meet the following criteria necessary to support secondary contact recreation as being:

Fecal coliform shall not exceed an average of 2000/100 ml and not exceed a maximum of 4000/100 ml.

(Sec. 303 of the Federal Water Pollution Control Act, as amended 33 U.S.C. 1313, 86 Stat. 816 et seq. Pub. L. 92–500)

Effective date: January 2, 1975.

Issued on: November 25, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74–27950 Filed 11–29–74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 135]

PART 1–5—SPECIAL AND DIRECTED SOURCES OF SUPPLIES

Procurement of Prison-Made Products

This amendment of the Federal Procurement Regulations adds a new subpart 1–5.4, Procurement of Prison-Made Products. It prescribes the policies and procedures to be utilized in the procurement of products and services produced or performed in Federal penal and correctional institutions under the direction of Federal Prison Industries, Inc. The provisions of Title 18, sections 4121–4128, which provide for the establishment and operation of workshops by Federal Prison Industries, Inc., a wholly owned government corporation for the training and rehabilitation of inmates of Federal penal and correctional institutions, are implemented by the amendment.

The table of contents is changed to add new entries for Subpart 1–5.4.

Subpart 1–5.4—Procurement of Prison-Made Products

Sec.
1–5.400 Scope of subpart.
1–5.401 General.
1–5.402 Mandatory procurement of prison-made products.
1–5.403 Preferences in the choice of procurement sources.
1–5.404 Schedule of products and services.
1–5.405 Non-mandatory procurement of prison-made products.
1–5.406 Procurement procedures.
1–5.406–1 Carload quantities and items not stocked by the General Services Administration (GSA).
1–5.406–2 GSA stocked items.
1–5.407 [Reserved]
1–5.408 Clearances.

Subpart 1–5.4—Procurement of Prison-made Products

§ 1–5.400 Scope of subpart.

This subpart prescribes the policies and procedures to be followed in the procurement of products and services produced or performed by Federal Prison Industries, Inc. (FPI).

§ 1–5.401 General.

(a) Federal Prison Industries, Inc. is a wholly owned government corporation of the District of Columbia which was established in 1934 by Act of Congress and an Executive order. The corporation now operates under the authority of 18 U.S.C. 4121–4128.

(b) The corporation is self-supporting and administered by a board of six directors appointed by the President to serve without compensation. The board represents industry, labor, agriculture, retailers and consumers, the Department of Defense, and the Attorney General.

(c) The chief function of the corporation is to provide training and employment for prisoners confined in Federal penal and correctional institutions. A substantial part of the earnings of the corporation is expended in carrying out a comprehensive vocational training program under which more than half of the prisoners receive occupational training in connection with the industries and the maintenance activities of the institutions themselves.

(d) Diversified products and services are produced or provided so that no single private industry shall bear an undue burden of competition from the products of prison workshops or activities and that there is minimum competition with private industry and free labor.

§ 1–5.402 Mandatory procurement of prison-made products.

Federal departments, agencies, and all other government institutions of the United States shall purchase the products which are produced by FPI and listed in their "Schedule of Products Made in Federal Penal and Correctional Institutions" (hereinafter called the "Schedule") to the extent that such products are available and meet the requirements of the ordering office.

§ 1–5.403 Preferences in the choice of procurement sources.

(a) Suitable Government used or excess property is the first source of supply (see § 1–1.302–1).

(b) Where similar products are produced both by Federal penal and correctional institutions and by workshops for blind and other severely handicapped, but the products are not available from FPI, they shall be procured from the workshops for blind and other severely handicapped before utilizing commercial sources.

(c) Services shall be procured from workshops for blind and other severely handicapped to the extent they are available before such services are procured from FPI or commercial sources.

(d) Other sources of supply may be utilized when products or services are not available as provided in paragraphs (a), (b), and (c) of this § 1–5.403.

§ 1–5.404 Schedule of products and services.

Products manufactured by Federal penal and correctional institutions are produced in strict conformance with Federal or other applicable specifications. Their sale is restricted by law to departments and agencies of the Federal Government. The products and services available are listed in the Schedule.

§ 1–5.405 Non-mandatory procurement of prison-made products.

If a product is not listed on the Schedule but is of a type normally produced by Federal penal and correctional institutions, agencies are encouraged to solicit FPI to determine the feasibility of adding the item to its Schedule.

§ 1–5.406 Procurement procedures.

§ 1–5.406–1 Carload quantities and items not stocked by the General Services Administration (GSA).

Orders for (a) carload lots, and (b) products which are not stocked by GSA shall be prepared in accordance with the procedures contained in the Schedule and forwarded in duplicate to Federal Prison Industries, Inc., U.S. Department of Justice, Washington, DC 20537.

§ 1–5.406–2 GSA stocked items.

Less than carload lots of common use items shall be ordered direct from regional GSA supply distribution facilities in accordance with established ordering agency procedures.

§ 1–5.407 [Reserved]

§ 1–5.408 Clearances.

(a) A clearance by FPI is required before procuring products from other sources which are available from FPI, except:

(1) For purchases of less than carload lots of common use items, as listed in Schedule A of the Schedule, when they are purchased from the Federal Supply Service of GSA;

(2) When immediate delivery or performance is required by public exigency;

(3) When suitable used or excess Government property can be secured;

(4) When the products are procured and used outside the United States;

(5) When requirements are for unlisted items other than canvas items, signs, or furniture costing $100 or less; or

(6) When orders are for listed items amounting to $25 or less that require delivery within 10 days (refer to individual sections of the Schedule for special clearance instructions pertaining to a particular class of product).

(b) Formal clearance on FPI Form 34 will be issued promptly for all products which are not available. Telegraphic clearances may be issued in emergencies, but clearances cannot be issued subsequent to purchase. Clearances should be attached to the initial voucher to prevent an exception being taken by the General Accounting Office.

(c) General or blanket clearances may be issued when classes of products are not available.

(d) Purchases from other sources because of lower prices are not authorized, and no clearances may be issued on this basis.

(e) Disputes regarding price, quality, character, or suitability of products produced by FPI are subject to arbitration as specified in 18 U.S.C. 4124. The statute provides that the arbitration shall be conducted by a board consisting of the Comptroller General of the United States, the Administrator of General Services, and the Director of the Office of Management and Budget, or their representatives. The decisions of the board are final and binding on all parties.

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

Effective date. This regulation is effective January 1, 1975, but may be observed earlier.

Dated: November 22, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74-27954 Filed 11-29-74;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 130—LIBRARY SERVICES, PUBLIC LIBRARY CONSTRUCTION, AND INTERLIBRARY COOPERATION

Notice of proposed rulemaking was published in the FEDERAL REGISTER on May 2, 1974 at 39 FR 15298, setting forth proposed regulations governing the administration of the Library Services and Construction Act as amended by Public Law 91-600 and Public Law 93-133 (20 U.S.C. 351-355e-2). This Act provides for Federal grants to States to assist them in the establishment, extension, and improvement of public library services in areas of the States which are without such services or in which such services are inadequate; with public library construction; in the establishment, extension, and improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons; in strengthening State library administrative agencies; and in promoting interlibrary cooperation among all types of libraries.

Pursuant to section 503 of the Education Amendments of 1972 (Pub. L. 92-318), a public hearing was held on May 24, 1974 in Washington, D.C. on the proposed regulations. In addition, written comments were invited. Two written comments were received. The comments and our responses thereto are as follows:

1. Section 130.16(b)(2)(iii) of the proposed regulations *Basic State plan.* A commenter has suggested that the public be notified of and given opportunity to comment on State plans, annual programs and long-range plans prior to their adoption and implementation.

Response. Section 6(c)(B)(2) of the Act specifies that the State plan shall be made public as finally approved. The State plan includes the basic State plan, the annual program and the long-range program. The Commissioner approves the basic State plan upon his determination that the information set forth in the annual program and long-range program assures that the basic State plan will be carried out. The basic State plan, long-range and annual programs are developed by the State with the advice of the State Advisory Council and in consultation with the U.S. Office of Education. The public participates in the process through its representation on the Advisory Council. The public constitutes one-third of the Council membership. No change in the regulations is required by the Act and none needs to be made, since public participation is already provided for.

2. Section 2.2(a)(3)(iii) of the Guidelines. Submission of required supporting documents. A commenter suggested that the requirement that State and local agencies submit documents assuring compliance with §§ 100b.185, 100b.190 and 100b.191 of the OE General Provisions for Programs of the Office of Education (45 CFR Part 100b) be removed. The reason given is that the State Library agency personnel and local officials do not have the expertise, staff, funds or necessary back up from the responsible Federal Offices to assure compliance.

Response. This provision of the Guidelines requires documentation to assure compliance with the Office of Education General Provisions for Programs. Inasmuch as this provision of the Guidelines assures compliance with §§ 100b.185 *Environmental impact,* 100b.190 *Avoidance of flood hazards,* and 100b.191 *Relocation assistance,* the requirements are Government-wide requirements which are set forth for the convenience of those dealing with the Office of Education in the General Provisions of the Office of Education. Since these requirements are Government-wide, no change has been made in the Guidelines.

Two minor changes were made to correct typographical errors. Part 130 of Title 45 of Code of Federal Regulations is revised to read as set forth below.

Effective date. Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Programs: No. 13.408, Construction of Public Libraries; No. 13.464, Library Services Grants—Title I; No. 13.465, Library Services—Interlibrary Cooperation—Title III.)

Dated: November 1, 1974.

T. H. BELL,
U.S. Commissioner of Education.

Approved: November 20, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Subpart A—Types of Assistance

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AUTHORITY: Sec. 2, Pub. L. 91-600, 84 Stat. 1660 (20 U.S.C. 351), unless otherwise noted.

Subpart A—Types of Assistance

§ 130.1 Purpose and scope.

The purpose of the regulations in this part is to implement the provisions of the Library Services and Construction Act, as amended, which provides for Federal grants to States to assist them in the establishment, extension, and improvement of public library services in areas of the States which are without such services or in which such services are inadequate; with public library construction; in the establishment, extension, and improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons; in strengthening State library administrative agencies; and in promoting interlibrary cooperation among all types of libraries.

(20 U.S.C. 351)

§ 130.2 General Provisions Regulation.

Financial assistance under this part is subject to the applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative,

property management, and other matters).

(20 U.S.C. 351)

§ 130.3 Definitions.

"Act" means the Library Services and Construction Act, as amended by section 2 of the Library Services and Construction Amendments of 1970.

(Pub. L. 91-600, 20 U.S.C. 351)

"Construction" includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land).

(20 U.S.C. 351a(2))

"Disadvantaged persons" means persons who have educational, socioeconomic, cultural, or other disadvantages that prevent them from receiving the benefits of library services designed for persons without such disadvantages and who for that reason require specially designed library services. The term includes persons whose needs for such special services result from poverty, neglect, delinquency, or cultural or linguistic isolation from the community at large, but does not include physically or other handicapped persons unless such persons also suffer from the disadvantages described in this paragraph.

(20 U.S.C. 351)

"Equipment" for purposes of the definition of "construction" in this section and § 130.32(b), includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them; and all other items necessary for the functioning of a particular facility as a facility for the provisions of library services.

(20 U.S.C. 351a(2))

"Interlibrary cooperation", in reference to assistance under Title III of the Act, means the establishment, expansion and operation of local, regional, and interstate cooperative library networks which will provide for the systematic and effective coordination of the resources of school, public, academic and special libraries and information centers for improved supplementary services for the special clientele served by each type of library or center. Such networks may be designed to serve a community, metropolitan area, or region within a State, or may serve a statewide or multistate area and shall consist of two or more types of libraries.

(20 U.S.C. 355e-1)

"Library materials" means books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microforms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, processed video and magnetic tapes, printed, published, and audiovisual materials, nonconventional materials designed specifically for the handicapped, and other materials of a similar nature.

(20 U.S.C. 351)

"Library service" means the performance of all activities of a library relating to the collection and organization of library materials and making the materials and infromation of a library available to the public or a special clientele.

(20 U.S.C. 351a(3))

"Library services for the physically handicapped" means the providing of library services, through public or other nonprofit libraries, agencies, or organizations, to physically handicapped persons (including the blind and other visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

(20 U.S.C. 351a(4))

"Public library":

(a) The term means a library that serves free of charge all residents of a community, district, or region without discrimination and receives its financial support in whole or in part from public funds.

(b) The term includes (with respect to appropriations for fiscal years beginning after June 30, 1973) a research library; which, for the purposes of this sentence, means a library which—

(1) Makes its services available to the public free of charge;

(2) Has extensive collections of books, manuscripts, and other materials suitable for scholarly research which are not available to the public through public libraries;

(3) Engages in the dissemination of humanistic knowledge through services to readers, fellowships, educational and cultural programs, publication of significant research, and other activities; and

(4) Is not an integral part of an institution of higher education. (c) The term does not include libraries such as law, medical, school, and academic libraries, which are organized to serve a special clientele or purpose.

(20 U.S.C. 351a(5))

"Public library services" means library services which are provided by or on behalf of a public library free of charge. The term does not include those library services that are properly the responsibility of the schools.

(20 U.S.C. 351a(6))

"State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(20 U.S.C. 351a(7))

"State institutional library services" means the providing of books and other library materials, and of library services, to (a) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, or (b) students in residential schools for the physically handicapped (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health-impaired persons who by reasons thereof require special education) operated or substantially supported by the State.

(20 U.S.C. 351a(9))

"State library administrative agency" or "State agency" means the official agency of a State charged by the law of that State with the extension and development of public library services throughout the State, which has adequate authority under the law of the State to administer State plans in accordance with the provisions of the Act.

(20 U.S.C. 351a(10))

§ 130.4 Library services.

Funds appropriated under section 4(a)(1) of the Act (20 U.S.C. 351b(a)(1)) and allotted to States for the purposes of section 101 of the title I of the Act (20 U.S.C. 352) shall, except as provided in § 130.7, be used solely for paying the Federal share of the cost of the following activities pursuant to the State plan submitted under Subpart B of this part:

(a) Planning for, and taking other steps leading to the development of, programs and projects described in paragraph (b) of this section;

(b) Programs and projects designed to extend and improve library services, including:

(1) Establishing, expanding, and operating programs and projects to provide:

(i) Library services for the disadvantaged in urban and rural areas;

(ii) Library services to the physically handicapped (as defined in § 130.3); and

(iii) State institutional library services (as defined in § 130.3).

(2) Extending public library services to geographical areas and groups of persons without such services;

(3) Improving such services in such areas and for such groups as may have inadequate public library services; and

(4) Strengthening metropolitan public libraries which serve as national or regional resource centers.

(20 U.S.C. 352, 353(a))

§ 130.5 Public library construction.

(a) *General.* Funds appropriated under section 4(a)(2) of the Act (20 U.S.C. 351b(a)(2)) and allotted to States for the purposes of section 201 of title II of the Act (20 U.S.C. 355a) may be used solely for the purpose of paying the Federal share of the cost of public library construction projects which are approved by the State agency, are consistent with the State's long range programs submitted in accordance with § 130.19, which will result in a usable public library building pursuant to the State plan under Subpart B of this part.

(b) *Terms and conditions with respect to construction.* The State agency shall

assure that the provisions of Subpart K of part 100b of this chapter will be complied with on all construction projects approved by the State agency for assistance under title II of the Act.

(c) *Display of signs.* The sites of all construction projects shall display a sign stating that Federal funds under the Library Services and Construction Act are being used for such construction. When specifications call for a plaque in the completed building indicating the date of completion and source of funds, funds under the Act shall be noted.

(20 U.S.C. 351b(a)(2), 355a–355c)

§ 130.6 Interlibrary cooperation.

Funds appropriated under paragraph 4(a)(3) of the Act (20 U.S.C. 351b(a)(3)) and allotted to States for the purposes of section 301 of title III of the Act (20 U.S.C. 355c) shall be used solely to pay the cost of carrying out the State plan as it relates to interlibrary cooperation (as defined in § 130.3), including:

(a) Planning for, and taking other steps leading to the development of interlibrary cooperation, and

(b) Programs and projects of interlibrary cooperation.

(20 U.S.C. 355e, 355e–1)

§ 130.7 Activities of State library administrative agency.

In addition to the activities specified in § 130.4, funds appropriated under section 4(a)(1) of the Act (20 U.S.C. 351b(a)(1)) and allotted to States for the purposes of section 101 of title I of the Act may also be used to pay the cost of the following activities of the State library administrative agency:

(a) Administration of the State plan submitted and approved under the Act and Subpart B of this part (including obtaining the services of consultants);

(b) Statewide planning for and evaluation of library services;

(c) Dissemination of information concerning library services;

(d) The activities of the State advisory council under § 130.8;

(e) Activities of such other advisory groups and panels as may be necessary to assist the State library administrative agency in carrying out its functions;

(f) Training of librarians and other library personnel engaged in activities under the Act; and

(g) Otherwise strengthening the capacity of State library administrative agencies for meeting the needs of the people of the State in carrying out the purposes of the Act as stated in § 130.1.

(20 U.S.C. 352, 353(b))

§ 130.8 State advisory council on libraries.

(a) *General.* Each State which desires to receive funds under the Act and the regulations in this part for any fiscal year shall establish a State advisory council on libraries; and shall submit with its State plan for each fiscal year a certification with respect to that establishment, including the names of the council members and a statement of identification of each member which shows the representation required by section 3(8) of the Act (20 U.S.C. 351a(8)) and paragraph (b) of this section.

(b) *Membership.* The membership of the State advisory council on libraries shall include persons broadly representative of each of the following:

(1) Public libraries;

(2) School libraries;

(3) Academic libraries;

(4) Special libraries, such as law or medical libraries;

(5) Institutional libraries, such as reformatory or hospital libraries;

(6) Libraries serving the handicapped in the State; and

(7) Users of such libraries, who shall comprise at least one-third of the council membership, and of whom at least one shall be representative of disadvantaged persons.

(c) *Functions and responsibilities.* The State advisory council on libraries shall:

(1) Advise the State agency on the development of the State plan, including the preparation of long-range and annual programs under §§ 130.19 and 130.20;

(2) Advise the State agency on policy matters arising in the administration of the State plan submitted under the Act and the regulations in this part; and

(3) Assist the State agency in evaluating library programs, services, and activities under the State plan.

(20 U.S.C. 351a(8), 351d)

Subpart B—State Plan Provisions

§ 130.15 State plan—General.

(a) *Purpose.* The purpose of the State plan is to provide a framework within which the State will encourage the establishment or expansion of programs to carry out the purpose set forth in § 130.1 and to provide the basis on which Federal payments to the State under this part are made.

(b) *Format.* The State plan shall be composed of three parts:

(1) The basic State plan provided for in § 130.16;

(2) The long-range program provided for in § 130.19;

(3) The annual program provided for in § 130.20.

(20 U.S.C. 351d(a))

(c) *Submissions.* (1) A State desiring to receive its allotment for any fiscal year shall for that fiscal year (i) have in effect a basic State plan amended in accordance with § 130.22 and approved by the Commissioner in accordance with § 130.16; (ii) submit, or update in accordance with § 130.22, a long-range program; and (iii) submit an annual program for the purposes for which allotments are desired. (2) Amendments to the basic State plan, amendments to reflect changes on the long-range program in accordance with § 130.22, and the annual program shall be submitted on or before July 1 of the fiscal year in question.

(20 U.S.C. 351d(a))

§ 130.16 Basic State plan.

(a) *Form and content.* The basic State plan shall consist of the following:

(1) A State-Federal Agreement consisting of assurances and certifications, which shall be submitted in a form prescribed by the Commissioner, the text of which is set forth in Appendix A to this part; and

(2) A statement of criteria developed under § 130.17 for use by the State library administrative agency in determining the adequacy of public library services in geographical areas and for groups of persons in the State, including criteria designed to assure that priority will be given to programs and projects which serve urban and rural areas with high concentrations of low-income families as determined under § 130.18.

(b) *Approval.* (1) Of the three parts of the State plan referred to in § 130.15(b), only the basic State plan shall require the approval of the Commissioner.

(20 U.S.C. 351d(c), 351d(d), 352, 355a, 355c; H.R. Rept. No. 1659, 91st Cong. Second sess. 6 (1970))

(2) The Commissioner will approve the basic State plan for fiscal year 1972, and for each fiscal year thereafter, only upon his specific determination that

(i) The plan fulfills the conditions of a basic State plan specified in paragraph (a) of this section;

(ii) The information set forth in the long-range and annual programs indicates that adequate procedures are subscribed to therein to insure that the assurances and provisions of the basic plan will be carried out; and

(iii) All three parts of the State plan will be made public.

(3) The Commissioner will not finally disapprove any basic State plan or amendment thereto without first affording the State reasonable notice and opportunity for a hearing.

(20 U.S.C. 351a(11), 351d (b) and (c))

§ 130.17 Criteria for determining adequacy of public library services.

In developing the criteria in the basic State plan for determining the adequacy of public library services to geographic areas and groups of persons in the State (section 2 of the State-Federal Agreement (See Appendix A to this part)), among other factors deemed pertinent by the State agency, special consideration shall be given to the library needs of the following:

(a) Disadvantaged persons residing in urban or rural areas with high concentrations of low-income families, as determined under § 130.18;

(b) Persons residing in areas of the State which are without public library services or in which such services are inadequate;

(c) Physically handicapped persons (including the blind and other visually handicapped); and

(d) Inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages,

residential schools for handicapped persons, and other general or special institutions or hospitals operated or substantially supported by the State.

(20 U.S.C. 351d(b))

§ 130.18 Urban and rural areas with high concentrations of low-income families.

(a) In developing criteria in the basic State plan designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentrations of low-income families under § 130.16(a)(2), the State library administrative agency shall, on the basis of the most recent information available to it, determine which areas of the State constitute such areas. In making these determinations, the State agency may, for example, rely upon determinations made by the Secretary of Commerce of areas eligible for designation as "redevelopment areas" pursuant to section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161); or determinations made by the Secretary of Housing and Urban Development of urban areas eligible for assistance under the Demonstrations Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3301 et seq.).

(b) The description of criteria included and incorporated by reference in section 2 of the Basic State Plan (see appendix) shall indicate—

(1) The areas of the State designated as urban and rural areas with high concentrations of low-income families;

(2) The criteria used by the State agency in designating such areas; and

(3) The sources of information on which such criteria were based, and the frequency with which this information is updated.

(20 U.S.C. 351(b))

§ 130.19 Long-range program.

(a) The long-range program shall be developed by the State library administrative agency with the advice of the State advisory council and in consultation with appropriate staff of the U.S. Office of Education, and shall be annually reviewed and revised in accordance with changing needs in the States for assistance under the Act and the results of evaluations and surveys of the State agency and the State advisory council. Annual revisions shall be incorporated as a part of the annual program for each fiscal year.

(b) The long-range program shall contain the following:

(1) A description of the State's identified present and projected library needs;

(2) A plan of action for meeting those identified needs with funds under the Act over the next 5 fiscal years beginning with the fiscal year in which the program is submitted;

(3) A statement of the following policies, criteria, priorities, and procedures, to be updated as progress toward meeting the State's library needs requires:

(i) Policies and procdeures for the periodic evaluation of the effectiveness of programs and projects supported under the Act;

(ii) Policies and procedures for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects;

(iii) Policies and procedures for the effective coordination of programs and projects supported under the Act with library programs and projects operated by institutions of higher education or local elementary or secondary schools (including those receiving Federal assistance under title II-A of the Higher Education Act of 1965 and title II of the Elementary and Secondary Education Act of 1965) and with other public or private library service programs;

(iv) Criteria used in allocating funds under title I of the Act among the purposes set forth in section 102 of the Act and § 130.4, which criteria shall be consistent with the criteria set forth in the basic State plan under § 130.16(a)(2), and insure that the State will expend from Federal, State, and local sources an amount not less than the amount expended by the State from such sources for State institutional library services and library services to the physically handicapped during fiscal year 1971;

(v) Criteria, policies, and procedures for the approval of applications for the construction of public library facilities under title II of the Act, which criteria, policies and procedures will insure that every local or other public agency whose application for funds under the plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a hearing before the State library administrative agency;

(vi) Criteria, policies and procedures for the approval of applications for interlibrary cooperation under title III of the Act.

(20 U.S.C. 351a(12), 351d(d), 354, 355c, 355e-2)

§ 130.20 Annual program.

The annual program shall be developed by the State library administrative agency with the advice of the State advisory council and in consultation with appropriate staff of the U.S. Office of Education, and shall contain the following:

(a) A description of a program for the use of funds under each of the titles of the Act in such detail as may be required by the Commissioner, and of how the program will achieve fulfillment of the State's library needs set forth in the long-range program in a manner consistent with the policies, criteria, priorities, and procedures specified in the long-range program. The program description shall include—

(1) A description of the specific activities to be carried out by the State in the fiscal year with funds for library services under title I of the Act for the purposes set forth in section 102 of the Act and § 130.4; and

(2) A description of the specific activities to be carried out by the State in the fiscal year with funds for interlibrary cooperation under title III of the Act for the purposes set forth in section 302 of the Act and § 130.6.

(b) An annual extension of the 5-year long-range program for 1 additional year, taking into consideration the results of evaluations of the State's library program by the State agency and the State advisory council.

(20 U.S.C. 351a(13), 354, 355c, 355e-2)

§ 130.21 Notification of construction project approval and completion.

(a) The State agency shall submit to the Commissioner—

(1) Written notification of its approval of each library construction project under Title II of the Act;

(2) Written notification of the completion of each such project. This notification shall include the project name and number, location, population served, type of library, type of construction, size of facility, the funds budgeted by source and major category, construction schedule, and completion date. The notification shall be submitted within 30 days after such approval and again within 30 days after project completion. Forms for these purposes will be furnished by the Commissioner.

(b)(1) The effective date of the library construction project shall be no earlier than the date on which the State agency approves the project.

(2) No construction contract in furtherance of the project may be made by the applicant until—

(i) After the effective date of the project; and

(ii) After the State has received from the Commissioner (or his designee) acknowledgment of the receipt of the notification required by paragraph (a) of this section.

(20 U.S.C. 355c)

§ 130.22 Amendment of State plan.

(a) *Basic State plan.* The basic State plan shall be amended to reflect any changes in pertinent State law, or any changes in the designation or organization of operations, policies, and methods of administration to be followed by the State. Amendments will be submitted and certified in the same manner as the basic State plan.

(b) *Long-range program.* (1) The long-range program shall be amended to reflect changes in:

(i) Estimates of present and projected program needs;

(ii) The plan of action for meeting these needs; and

(iii) Policies, criteria, priorities and procedures. (2) These amendments shall be submitted each year as part of the annual extension of the long-range program submitted under § 130.20(b).

(c) *Annual program.* (1) Deviations in actual allocations of funds from specific amounts estimated for allocations among programs, services, and activities described in the annual program made available under § 130.20 are subject to § 100b.29 of this chapter. (2) Deviations and the reasons therefor (such as, for example, a change in the total amount of

funds available to the State for programs, services, and activities under the State plan) shall be indicated and explained in the annual report of the State agency made available under § 130.45.

(20 U.S.C. 351d, 354, 355c, 355e–2)

Subpart C—Federal Participation

§ 130.30 Application of Federal requirements.

Federal funds under the Act may only be used to share in expenditures which are made in accordance with the State plan and which meet the requirements of the Act and the regulations in this part. State and local funds used to match the Federal funds must also meet these requirements.

(20 U.S.C. 353, 355b, 355c–1)

§ 130.31 Federal and State shares of eligible expenditures.

(a) *General.* (1) The Federal share for each State under titles I and II of the Act will be promulgated by the Commissioner pursuant to section 7(b) of the Act (20 U.S.C. 351e(b)). (2) The State share for each State for titles I and II shall be the difference between the cost of activities under the State plan and the applicable Federal share. (3) The Federal share for each State under title III shall be 100 percent.

(b) *Limitation.* (1) The expenditures which are to be considered in computing the State share for library services under title I of the Act are only those that are made from public funds. Public funds include contributions from private organizations or individuals if they are deposited in accordance with State and local laws and regulations to the account of the State or political subdivision, or agency thereof, without conditions or restrictions which would negate their character as public funds.

(2) The expenditures which are to be considered in computing the State share for construction under title II of the Act are all those made by the applicant for that purpose, regardless of the source of funds.

(20 U.S.C. 351e(b), 355e–1(b))

§ 130.32 Eligible costs.

(a) *Titles I and III.* Funds under title I and title III of the Act may, at the discretion of the State agency, be applied to expenditures determined in accordance with the principles contained in Subpart G of part 100b of this chapter, which are attributable to the activities specified in § 130.4 and § 130.7, in the case of funds under title I of the Act, and in § 130.6, in the case of funds under Title III of the Act. These expenditures may include expenditures for the acquisition, maintenance (including insurance), and repair of equipment and of library materials (as defined in § 130.3), including necessary binding or rebinding.

(b) *Title II; Construction projects.* The following costs attributable to a public library construction project approved under § 130.5 are eligible at the discretion of the State agency if incurred after the date of project approval or after such other date as is indicated in paragraph (b)(3) and (5) of this section:

(1) Erection of new buildings to be used for public library facilities;

(2) Expansion, remodeling, and alteration (as distinguished from maintenance and repair) of existing buildings to be used for public library purposes;

(3) Expenses (other than interest and the carrying charges on bonds) related to the acquisition of land on which there is to be construction of new buildings or expansion of existing buildings which are incurred within three fiscal years preceding the fiscal year in which the project was approved by the State agency, if the expenses constitute an actual cost or transfer of public funds in accordance with the usual procedures generally applicable to all State and local agencies and institutions (See 45 CFR 100b. 274);

(4) Site grading and improvement of land on which such facilities are located;

(5) Architectural, engineering, and inspection expenses incurred subsequent to site selection;

(6) Expenses (other than interest and the carrying charges on bonds) related to the acquisition of an existing building to be used for public library facilities, if such expenses constitute an actual cost or transfer of public funds in accordance with the usual procedures generally applicable to all State and local agencies and institutions; and

(7) Expenses related to the acquisition and installation of initial equipment to be located in a public library facility provided by a construction project, including all necessary building fixtures and utilities, office furniture, and public library equipment, card catalog cabinets, circulation desks, reading tables and study carrels, booklifts, elevators, and information retrieval devices (but not books or other library materials).

(20 U.S.C. 352, 355b, 355e–1)

Subpart D—Payments and Reports

§ 130.40 Conditions for payments to States.

Payments to States under the Act will be made only after the Commissioner determines that:

(a) The State has on file (1) a basic State plan approved by the Commissioner under § 130.16, (2) a long-range program submitted and updated under § 130.19, and (3) an annual program submitted under § 130.20 for the fiscal year of the allotment from which payment is to be made.

(b) The State has given assurance to the Commissioner's satisfaction that it will have available for expenditure under Title I of the Act during the fiscal year of the allotment: (1) From State and local sources,

(i) Sums sufficient to earn its minimum allotment as set forth in section 5(a) of the Act.

(ii) Not less than the total amount actually expended, in areas covered by the programs for such years, for the purposes of such programs from such sources in the second preceding fiscal year; and (2) from State sources, not less than the total amount actually expended for such purposes for those sources in the second preceding fiscal year;

(c) In the case of payments under title I of the Act, the State will expend during the year of the allotment from Federal, State, and local sources, an amount not less than the amount expended by the State from such sources for State institutional library services and library services to the physically handicapped during the fiscal year ending June 30, 1971; and

(d) The State has established a State advisory council on libraries under § 130.8.

(20 U.S.C. 351d(a), 351e(a), 354(2))

§ 130.41 Withholding of payments.

(a) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, determines on the basis of information available to him that (1) the State plan (as described in § 130.15(b) has been so changed that it no longer complies with any State plan requirements in the Act and the regulations in this part, or (2) in the administration of the State plan or of any program under this part, there is a failure to comply substantially with any such requirement or with any assurance or other provision contained in such plan, the Commissioner will notify such State agency that no further payments will be made to the State until he is satisfied that the State has complied with such requirements, assurances, or other provisions.

(b) At his discretion, the Commissioner may notify the State agency that payment of Federal funds will be limited to support of programs under the State plan or portions of the State plan not affected by the State's failure to comply with such requirements.

(20 U.S.C. 351d(e))

§ 130.42 Reallotment.

(a) The amount of any State's allotment for any fiscal year under section 5(a) of the Act (20 U.S.C. 351c(a)) which the Commissioner determines will not be required in the period during which such allotment is available for carrying out that State's plan may be reallotted by the Commissioner on such dates during such period as he may fix, to other States for carrying out their plans in the same proportion as the original allotments were made for such purposes to such other States in the manner provided for in section 5(b) of the Act.

(b) Any amounts reallotted shall be determined by the Commissioner on the basis of (1) reports filed by the States of the amounts required to carry out the State plan and (2) such other information as he may have available.

(c) Any amounts reallotted shall be deemed part of the State's allotment for that fiscal year.

(20 U.S.C. 351c(b))

§ 130.43 Reports.

(a) *Annual report of program activities.* The State agency shall submit at

such times, in such form, and in accordance with procedures established by the Commissioner an annual report concerning the conduct of activities described in the annual program under § 130.20 and the extent to which these activities carried out the objectives set forth in the long-range program under § 130.19 for the proceeding fiscal year. The annual report shall also set forth the total receipts and expenditures of Federal funds for that year.

(b) *Other reports.* The State agency shall submit to the U.S. Office of Education, one copy of all surveys, films, and of all publications considered to be of interest to agencies and organizations planning public library programs in other States, which are developed with Federal funds granted under the Act.

(20 U.S.C. 351d(b))

APPENDIX A

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION BASIC STATE PLAN

(State-Federal Agreement)

LIBRARY SERVICES AND CONSTRUTION ACT, AS AMENDED BY PUBLIC LAW 91-600

The _____
(Officially Designated State Library Administrative Agency)

of the State of _____, hereinafter called the State Agency, hereby agrees and assures that this Basic State Plan which serves as an agreement between State and Federal Governments under the Library Services and Construction Act, as amended, for which Federal funds are being requested for the fiscal year ending June 30, 19 ____, will be administered in accordance with the following provisions:

1. *The State Agency.* a. Assures that it will administer, or supervise the administration of, the programs authorized by the Act; and has adequate fiscal and legal authority to do so. (See appended Certificate of Legal Authority.)

b. Assures that it has provided for such fiscal control and funds accounting procedures as well assure proper disbursement of and accounting for, Federal funds paid to the State under the Act (including any funds paid by the State to any other public or private nonprofit agency under this Basic State Plan).

c. Assures that it will submit to the Office of Education, and otherwise make public (1) the State's long-range program on or before July 1, 1972, and (2) the State's annual program on or before July 1 of each fiscal year. Both programs will be developed in consultation with the Office of Education and with the advice of the State Advisory Council on Libraries.

d. Assures that any funds paid to the State in accordance with a long-range program and an annual program shall be expended solely for the purposes for which funds have been authorized and appropriated.

e. Assures that it will make such reports, including reports of evaluations, in such form and containing such information as the Commissioner may reasonably require to carry out his functions under the Act, and to determine the extent to which funds provided under the Act have been effective in carrying out its purposes.

f. Assures that it will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of all reports submitted to him.

g. Assures that it will establish and specify in the State's long-range program its policies, priorities, criteria and procedures necessary to the implementation of all programs in which the State will participate under the provisions of the Act, which are incorporated by reference herein.

h. Assures that it will set forth in the State's long-range program its policies and procedures for the coordination of programs and projects supported under this Act with library programs and projects operated by institutions of higher education or local elementary or secondary schools, with other public or private library services programs, and with other related service programs.

i. Assures that it has established a State Advisory Council on Libraries as required by the provisions of the Act and § 130.8 of the regulations. (See attached certification.)

j. Assures that it has available for expenditures under Title I of the Act in this fiscal year (fiscal year 19__):

A. From State and local sources:

1. Sums sufficient to earn its basic minimum allotment.

2. Not less than the total amount actually expended, in areas covered by the programs for such year, for the purposes of such programs from such sources in the second preceding fiscal year (fiscal year 19__).

B. From State sources:

1. Not less than the total State amount actually expended for such purposes from such sources in the second preceding fiscal year (fiscal year 19__).

k. Assures that it will expend in this fiscal year (fiscal year 19__) from Federal, State, and local sources, an amount not less than the amount expended by the State from such sources for State institutional library services, and library services to the physically handicapped during the fiscal year ending June 30, 1971.

2. The State Agency herewith sets forth (a) criteria to be used in determining the adequacy of public library services to geographical areas, and for groups of persons in the States, including criteria designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentration of low-income families. (See attached statement of Criteria.)

3. This Basic State Plan has been submitted to the Governor for his review; and his comments, or a statement that no comments have been made, as well as projections required under the program, will also be submitted for the Governor's review, and comments, if any, will accompany the amendments or other required program material when they are submitted to the U.S. Office of Education.

4. The State Agency will make public the Basic State Plan as approved by the Commissioner.

5. The State Agency assures that it will otherwise comply with the requirements of the Act and the Regulations of the Commissioner of Education issued thereunder (45 CFR Part 130; 45 CFR Part 100b).

6. Assurance is hereby given that in accordance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations issued thereunder by the Department of Health, Education, and Welfare (45 CFR Part 80), no individual shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under this Plan. The State Agency has established and will maintain methods of administration to assure that each program or activity for which it receives Federal financial assistance will be operated in accordance with the preceding paragraph of this statement. The State Agency will amend its methods of administration from time to time as necessary to carry out the purposes for which this statement is given. The State Agency recognizes and agrees that Federal financial assistance will be extended in consideration of, and in reliance on, the representations and agreements made in this statement; and that the United States shall have the right to seek administrative and judicial enforcement thereof.

_____
(State Library Administrative Agency)

_____
(Address)

_____
(Signature of Authorized State Agency Official)

_____
(Title)

CERTIFICATE OF APPROPRIATE STATE LEGAL OFFICER

I hereby certify that _____,
(Name of State Agency)
_____ is the sole State
(Name of State)
agency with authority under State law to develop, submit and administer or supervise the administration of, the State plan under the Library Services and Construction Act, as amended by Public Law 91-600; that _____ is the Officer au-
(Name of authorized State Agency Official)
thorized to submit the State plan for the named State agency; that the State Treasurer or _____ has authority
(Title of Officers other than State Treasurer)
under State law to receive, hold and disburse Federal funds under the State plan; and that all provisions contained in the plan are consistent with State law.

_____
(Signature, Attorney General or Other State Legal Officer)

_____
(Title)

_____
(Date)

(20 U.S.C. 351a(11), 351d(b))

APPENDIX B

GUIDELINES—LIBRARY SERVICES AND CONSTRUCTION ACT

Assistance to States for Public Library Services and Construction

Table of Contents

Part 1—General

Sec.
1.1 Scope of guidelines.
1.2 Long-range programs and other documents required under the Library Services and Construction Act.
1.3 Basic State plan amendments.
1.4 Annual program.

Part 2—Programs under Title II of Library Services and Construction Act

2.1 Program.
2.2 Processing of application for an LSCA construction project.

Sec. 1.1 Scope of guidelines. (a) The guidelines contained in this document are recommendations and suggestions for meeting the requirements which apply to Federal assistance under the Library Services and Construction Act. The legal requirements include the Act itself (20 U.S.C. 351-351c-2); the program regulations (45 CFR 130). The guidelines are not to be construed as requirements. However, where the guidelines set

forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 351; 113 Cong. Rec. 5936, 5939 (daily ed., May 23, 1967); United States v. Jefferson County Board of Education, 372 F. 2d 836, 857 (1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parenthesis following the guideline. For example, if the legal authority for the guideline is 20 U.S.C. 351d(a) and the guideline affects section 130.20 of the regulations, the following citation will be placed on the line immediately following the guideline: (20 U.S.C. 351d(a); 45 CFR 130.20). If no particular section of the regulation is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

Sec. 1.2 Long-range programs and other documents required under the Library Services and Construction Act. (a) In keeping with the intent of the Library Services and Construction Act Amendments of 1970 to permit greater flexibility in the development of programs under the Act, no specific "forms" are being issued by the Office of Education for the long-range programs.

(20 U.S.C. 351d(d))

(b) Each part of the State plan (the basic State plan, the long-range program, and the annual program) must be developed with the advice of the State Advisory Council on Libraries and in consultation with the appropriate Regional Library Services Program Officer who represents the U.S. Commissioner of Education in the LSCA program development process.

(20 U.S.C. 351a(8), 351d; 45 CFR 130.8(c))

(c)(1) To assure coordination between the criteria set forth in the basic State plan and the criteria in the long-range program, a careful review of the basic State plan should be made prior to updating of the long-range document. Amendments to the basic State plan attachments may be required. The inclusion of criteria in the basic State plan attachments does not eliminate the need for complete criteria, policies, priorities, and procedures in the long-range program.

(2) The needs assessment statement and documeitation in each State should be comprehensive and statewide. The long-range program will cover the three titles authorized under the Act, including criteria, policies and procedures for public library construction.

(20 U.S.C. 351d(d), 45 CFR 130.19)

(d) All three documents require review by the Governor or the office designated by the Governor for such purpose and his comments or "no comment" certification must accompany the documents when submitted. (See Item 3 of approved basic State plan.) (20 U.S.C. 351a(8), 351d(a), 351d(d), OMB Circular No. A-95; 45 CFR 130.8, 130.16, 130.19, 45 CFR 100b.15)

Sec. 1.3 Basic State plan amendments. A careful review of the basic State plan as approved by the U.S. Commissioner of Education for the previous fiscal year should be made in the light of the act and the regulations before any amendments are prepared. Forms provided for use in submitting amendments are a cover sheet, basic State plan amendment assurance, and the Maintenance of Effort Certification for the appropriate fiscal year. The revised listing of the State Advisory Council on Libraries and revised statements of criteria are to be attached to the basic State plan amendment assurance form.

(20 U.S.C. 351d; 45 CFR 130.22)

Sec. 1.4 Annual program. (a) The project description in the annual program should provide basic information essential to an understanding of the specific objectives of the project and its contribution toward attaining the goals of the long-range program. The project description should include what the project proposes to accomplish and why; who is to be served and how; names of key libraries and other agencies; when and where the project will be implemented; the estimated cost and sources of funding; and the method of administering the project: whether by contract, State agency, or local agency.

(20 U.S.C. 351d(a), 354, 355c, 355e-2; 45 CFR 130.20)

(b) To provide assistance in tabulating comparable LSCA projects throughout the country, a key listing has been developed for reporting purposes. The following eighteen project types have been identified. (If none of these is adequate to identify a particular library project, another brief descriptive title should be stated.)

(20 U.S.C. 351d(b)(3))

LSCA PROJECT TYPES

1. Disadvantaged (use Basic State Plan Definition)
2. Strengthening State library administrative agency
3. Metropolitan library serving as national or regional resource center
4. Physically handicapped, blind
5. Other physically handicapped
6. Institutionalized, correctional
7. Other institutionalized
8. Interlibrary cooperation
9. Right-to-Read
10. Career education
11. Management improvement (e.g., Delivery systems)
12. Aging
13. Adult education
14. Environmental education
15. Drug abuse education
16. Early childhood education
17. Migrants
18. Other (specify)

Part 2—Programs under Title II of Library Services and Construction Act

Sec. 2.1 Program. Title II of the Library Services and Construction Act authorizes a program of grants to States which have had approved a basic State plan under section 6 of the Act and have submitted a long-range program and submit annual appropriately updated programs (approved construction projects) under section 203 of the Act for the construction of public libraries.

(20 U.S.C. 355a, 355c; 45 CFR 130.5, 130.21)

Sec. 2.2 Processing of application for an LSCA construction project. The steps set forth below describe the current procedures for the processing, at the State level, of applications for construction projects under title II of the LSCA which State agencies typically employ in meeting the requirements of the Act and applicable regulations:

(a) *Application procedures.* (1) The State agency provides up-to-date instructional materials, including an application form for applicants for construction grants and provides consultant service as required. Localities should be advised to notify State agencies of "intent" to apply and to follow through on submission of such "intent" to appropriate State or Regional Clearinghouses.

(2) The local applicant submits an application to the State agency on forms and in accordance with directions supplied by the State agency.

(3) The State agency reviews the local application for:

(i) Conformity with the Library Services and Construction Act and regulations thereunder, State instructions, long-range program, and annual program.

(ii) Eligibility of the applicant.

(iii) Submission of the required supporting documents, in a sufficient number of copies to meet the requirements of the State. Such documentation shall include the notification of intent to apply for Federal assistance with comments from the appropriate State and/or regional clearinghouse, and documentation necessary to assure compliance with §§ 100b.155–191 of the OE General Provisions Regulation.

(iv) Certification of availability of required matching funds.

(4) The State agency approves the project.

(5) The State agency notifies the appropriate DHEW Regional Office of approval of the project. The document required by the Regional office is O.E. Form 3114–2, "Notification of Construction Project Approval," in triplicate. Following acknowledgement by the DHEW Regional Office, the applicant is now in a position to enter into a construction contract.

(20 U.S.C. 355a–355c, OMB Circular No. A–15; 45 CFR 130.5, 130.21)

(b) *Contracting for construction.* (1) The State agency obtains from the applicant information on estimated costs, bid advertising dates, dates of bid opening, and a brief project description, which must be transmitted to the DHEW Regional Office, Facilities, Engineering, and Construction, to request a wage determination. This request should reach the office at least six weeks before the project is to be advertised for bids. State agencies may find it advisable to confirm the procedures with the Regional Engineer. If approval by State agency and notification to the Region is very close to planned bid advertising date, the State agency may submit the request for wage determination before it sends notification of the project approval. In such cases, the State agency should assure itself that the project is in approvable form.

(2) The State agency should review the bid proposals and contract documents for the project to assure itself that they include: (i) the prevailing wage rates as determined by the U.S. Department of Labor; and (ii) all the contract clauses required for the Federal Labor standards as provided for in § 130.5 and Subpart K of 45 CFR part 100b. Note that in some cases there is more than one contract on a construction project.

(3) The State agency should receive a copy of the tabulation of bids received showing the bids accepted. The architect usually prepares this (on a standard AIA form) for the owner.

(4) The State agency should review the construction contract, or contracts, as prepared before signing, together with the contract documents and must make sure the valid prevailing wage rates, the required labor, the equal employment opportunity requirements and all other applicable requirements are included.

(45 CFR 130.5)

(5) The State agency receives a signed copy of the construction contract or contracts and contract documents for its official project file.

(20 U.S.C. 355a, 1232b; 45 CFR 130.5)

(c) *Technical supervision.* (1) After the contract is awarded, but before the start of construction, the local applicant should schedule a preconstruction conference with all interested parties to clarify the administrative requirements of the Federal labor standards. The conferences should include architect, prime contractors and subcontracts, and representatives of State and local agencies.

(2) When construction starts the State agency should schedule a field visit to verify that:

(i) Wage determination is posted on the project in a place that the workers can see easily.

(ii) A copy of weekly payroll with the required certification statement (in regard to anti-kickback provisions of the Copeland Act) is furnished the owner within seven days after week to which payroll applies and that provision is made for keeping those on file. Also, that the copy of the weekly payroll is checked against the minimum wage determination for the project.

(iii) That periodic on-the-job labor interviews are provided for and that a signed report on each such interview is then filed with the owner's copy of the payroll for that week.

(iv) If revision of project is required, amended Form OE 3114-2, "Notification of Construction Project Approval", should be submitted to DHEW Regional Office as soon as possible.

(20 U.S.C. 351a, 1232b)

[FR Doc.74-28063 Filed 11-29-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-1264]

PART 73—RADIO BROADCAST SERVICES

Pre-Sunrise Operations by U.S. Class II AM Stations

1. In line with an agreement reached September 4, 1974, by exchange of notes between the governments of the United States and the Commonwealth of the Bahamas, most U.S. class II daytime stations assigned to the frequency 1540 kHz are, for the first time, eligible to operate prior to their licensed sign-on times. In addition, the agreement provides an optional mode of pre-sunrise operation for five class II fulltime stations assigned to 1540 kHz. The purpose of this Order is to implement the terms of that agreement by amending section 73.99 of our rules to provide for the issuance of pre-sunrise service authorization (PSA's) on 1540 kHz.

2. By way of background information, the North American Regional Broadcasting Agreement (NARBA, 1950), to which both governments are parties, confers a Bahamian I–A clear channel priority for the use of 1540 kHz, presently assigned to radio station ZNS, Nassau (20 kW, DA–1, Unl.) The same agreement also recognizes a class I–B clear channel assignment on 1540 kHz at Waterloo, Iowa (KXEL, 50 kW, DA–N, Unl.), but makes no provision for pre-sunrise operation by the class II U.S. daytimers assigned to the same channel.

3. The new agreement permits the use of co-channel class II stations' daytime antenna systems, with reduced power input, on the following basis: (a) Operation between 6:00 a.m., local time, and sunrise, Bahama Islands, with 25 uV/m (10% skywave) protection of the Bahamian boundary; and (b) the use of authorized daytime power between sunrise, Bahama Islands, and licensed sunrise times at U.S. class II station locations. However, because of the 500-watt limit on PSA operations imposed by the 1970, U.S.-Mexican "pre-sunrise" agreement (TIAS–7021), such operations by U.S. stations on 1540 kHz must observe the 500-watt power ceiling applying to PSA operations generally under 73.99 of the rules. Moreover, all such operations must, in accordance with section 73.99, protect the 0.5 mV/m 50% skywave contour of co-channel KXEL, Waterloo, Iowa.

4. Overall, the benefits to be derived from this agreement are severely limited because of the KXEL protection requirement, which is the controlling factor in all cases. Specifically, of the 41 U.S. daytimers assigned to 1540 kHz, 15 located east of Waterloo are too close to KXEL's protected nighttime contour to qualify for PSA consideration. Of the additional 23 stations east of Waterloo, permissible PSA powers will range between one (1) watt and 45 watts, again because of the KXEL protection requirement. The remaining three (3) co-channel daytimers are located west of Waterloo, and will therefore be able to sign on (with 500 watts) at 6:00 a.m. local time or sunrise, Waterloo, whichever is later. In these three cases also, KXEL is the limiting factor, but only as to time rather than as to power.

5. Permissible modes of operation for the 31 U.S. stations (26 daytimers and five (5) fulltimers) eligible for PSA's on 1540 kHz are tabulated in Appendix A, which takes into account Bahamian and domestic (KXEL) protection requirements, as well as fulltime foreign class II protection requirements and the antenna characteristics, whether directional or non-directional, of all stations concerned. Because of the relatively few stations on 1540 kHz and the limited operating benefits involved in this situation, permissible powers and sign-on times have already been determined by computer methods. Accordingly, upon receipt of a letter requesting a PSA on 1540 kHz, accompanied by a description of the method to be used to reduce licensed power to the level specified in Appendix A, a PSA will be issued without the interference studies normally submitted in connection with such applications.

6. Authority for the adoption of this Order is contained in sections 4(i), 303 (c), and 303(r) of the Communications Act of 1934, as amended. Since the changes effected by these amendments reflect international agreements which have already entered into force, and since they relax existing requirements without imposing new burdens on any party, compliance with the notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) is not required and would serve no useful purpose.

7. *Accordingly, it is ordered,* That, effective December 3, 1974, § 73.99 of the rules is amended in the manner set forth below.

Adopted: November 19, 1974.

Released: November 29, 1974.

FEDERAL COMMUNICATIONS COMMISSION[1]

[SEAL] VINCENT J. MULLINS, *Secretary.*

Part 73 of Chapter 1, Title 47, Code of Federal Regulations, is amended as follows:

In § 73.99, paragraphs (a)(1) and (b)(1) are amended and a NOTE is added following paragraph (c)(2) to read as follows:

§ 73.99 Presunrise service authority.

(a) * * *

(1) Class II stations operating on clear channels, except those operating on Canadian I–A clear channels and those located east of co-channel U.S. class I–A stations.

* * * * *

(b) * * *

(1) Class II stations operating on Mexican and Bahamian I–A clear channels to commence operation with their daytime antenna systems at 6 a.m. local time, and to continue such operation until the sunrise times specified in their basic instruments of authorization; and other class II stations, where eligible under paragraph (a)(1) of this section, to commence operation with their daytime or critical hours antenna systems either at 6:00 a.m. local time, or at the time of sunrise at the westernmost class I station located east of the class II station (whichever is later), and to continue such operation until the sunrise times specified in their basic instruments of authorization: *Provided,* That the permissible power to be specified in the PSA shall not exceed 500 watts (or the authorized daytime or critical hours power, if less than 500 watts), or such lesser power as may be determined by computations made pursuant to paragraph (c) of this section.

* * * * *

(c) * * *

(2) * * *

NOTE: PSA applicants for the Bahamian I–A clear channel (1540 kHz) need not submit the nighttime interference study required of other PSA applicants under this subparagraph. Instead, the Commission will assign a power and time of commencement of pre-sunrise operation consistent with the provisions of the U.S.-Bahamian pre-sunrise agreement (1974) and the protection requirements of U.S. I–B and foreign class II full-time station assignments on this frequency.

* * * * *

[1] Commissioner Robinson absent.

APPENDIX A

The following stations may, pursuant to a PSA, operate with the power indicated delivered to their daytime or critical hour antenna systems, as appropriate, commencing at 6:00 a.m. local time: (asterisk denotes full-time station)

	Watts
KBXM—Kennett, Mo	3
KCTO—Columbia, La	14
KGLA—Gretna, La	24
KLKC—Parsons, Kans	2
KNEX—McPherson, Kans	2
KZRK—Ozark, Ark	6
WADK—Newport, R.I	2
WANL—Lineville, Ala	5
WBRY—Woodbury, Tenn	2
WCOX—Camden, Ala	8
WIFM—Elkin, N.C	1
WJGA—Jackson, Ga	4
WJJT—Jellico, Tenn	1
WKKR—Pickens, S.C	2
WKXR—Exeter, N.H	3
WKYK—Burnsville, N.C	1
WMLR—Hohenwald, Tenn	2
WOGA—Sylvester, Ga	7
*WPTR—Albany, N.Y	11
WRCP—Philadelphia, Pa	45
WRGM—Richmond, Va	7
WRPL—Charlotte, N.C	2
WSWG—Greenwood, Miss	7
WTKM—Hartford, Wis	4

The following stations may, pursuant to a PSA, operate with 500 watts power delivered to their daytime or critical hour antenna systems, as appropriate, commencing either at 6:00 a.m. local time or at sunrise KXEL, Waterloo, Iowa, whichever is later:

KASA—Phoenix, Ariz.
*KBES—Bellevue, Wash.
*KBUY—Fort Worth, Tex.
KEDA—San Antonio, Tex.
*KGBC—Galveston, Tex.
*KPOL—Los Angeles, Calif.
KZEL—Eugene, Oreg.

[FR Doc.74-28026 Filed 11-29-74;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show that one position of Special Assistant, Congressional Affairs, and four positions of Staff Assistant, Congressional Affairs, are excepted under Schedule C.

Effective on December 2, 1974, §§ 213.3388(d) (1) and (2) are added as set out below.

§ 213.3388 Federal Energy Administration.

* * * * *

(d) *Office of Congressional Affairs.*

(1) One Special Assistant, Congressional Affairs.

(2) Four Staff Assistants, Congressional Affairs.

(5 U.S.C. secs. 3301, 3302); E.O. 10577, 3 CFR 1974-58 comp. p. 218)

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

[FR Doc.74-28206 Filed 11-29-74;8:45 am]

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Imported Fire Ant; Exempted Articles

Correction

In FR Doc. 74-27050, appearing on page 40576 in the issue for Tuesday, November 19, 1974, make the following changes:

1. In § 301.81-2b, the third line of paragraph (b) reading "equipment, if it has only compacted" should be moved to appear between the first and second lines of paragraph (c).

2. In the authority citation which appears immediately below § 301.81-2b(d), in the second line, the number "150e" should read "150ee".

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR COMBINED CROP INSURANCE; 1975 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for combined crop insurance for the 1975 crop year. The crops on which insurance is offered are shown opposite the name of the county.

NORTH DAKOTA

County:	*Crop(s)*
Barnes	Barley, flax, oats, rye, wheat.
Grand Forks	Barley, flax, oats, wheat.
Pierce	Barley, flax, oats, rye, wheat.
Ransom	Barley, flax, oats, wheat.
Richland	Barley, flax, oats, rye, soybeans, wheat.
Sargent	Barley, flax, oats, wheat.
Steele	Do.

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-28016 Filed 11-29-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for corn crop insurance for the 1975 crop year.

APPENDIX; COUNTIES DESIGNATED FOR CORN CROP INSURANCE; 1975 CROP

ALABAMA

De Kalb
Jackson
Marshall

COLORADO

Adams
Boulder
Cheyenne
Kit Carson
Larimer
Logan
Morgan
Phillips
Sedgwick
Washington
Weld
Yuma

DELAWARE

Kent
New Castle
Sussex

FLORIDA

Suwannee

GEORGIA

Colquitt

ILLINOIS

Adams
Bond
Boone
Brown
Bureau
Carroll
Cass
Champaign
Christian
Clay
Clark
Clinton
Coles
Crawford
Cumberland
De Kalb
De Witt
Douglas
Edgar
Effingham
Fayette
Ford
Fulton
Greene
Grundy
Hancock
Henderson
Henry
Iroquois
Jasper
Jefferson
Jersey
Jo Daviess
Kankakee
Kendall
Knox
La Salle
Lawrence
Lee
Livingston
Logan
McDonough
McHenry
McLean
Macon
Macoupin
Madison
Marion
Marshall
Mason
Menard
Mercer
Monroe
Montgomery
Morgan
Moultrie
Shelby
Stark
Stephenson
Tazewell
Vermilion
Warren
Washington
Wayne
Whiteside
Will
Winnebago
Woodford
Ogle
Peoria
Piatt
Pike
Putnam
Randolph
Richland
Rock Island
St. Clair
Sangamon
Schuyler
Scott

INDIANA

Adams
Allen
Bartholomew
Benton
Blackford
Boone
Carroll
Cass
Clay
Clinton
Daviess
Decatur
De Kalb
Delaware
Elkhart
Fayette
Fountain
Fulton
Gibson
Grant
Greene
Hamilton
Hancock
Hendricks
Henry
Howard
Huntington
Jackson
Jasper
Jay
Johnson
Knox
Kosciusko
Lagrange
Madison
Marion
Marshall
Miami
Montgomery
Morgan
Newton
Noble
Parke
Posey
Pulaski
Putnam
Randolph
Ripley
Rush
Shelby

INDIANA—Continued

Sullivan
Tippecanoe
Tipton
Union
Vermillion
Vigo
Wabash
Warren
Wayne
Wells
White
Whitley

IOWA

Adair
Adams
Allamakee
Appanoose
Audubon
Benton
Black Hawk
Boone
Bremer
Buchanan
Buena Vista
Butler
Calhoun
Carroll
Cass
Cedar
Cerro Gordo
Cherokee
Chickasaw
Clarke
Clay
Clayton
Clinton
Crawford
Dallas
Decatur
Delaware
Des Moines
Dickinson
Dubuque
Emmet
Fayette
Floyd
Franklin
Fremont
Greene
Grundy
Guthrie
Hamilton
Hancock
Hardin
Harrison
Henry
Howard
Humboldt
Ida
Iowa
Jackson
Jasper
Jefferson
Johnson
Jones
Keokuk
Kossuth
Lee
Linn
Louisa
Lucas
Lyon
Madison
Mahaska
Marion
Marshall
Mills
Mitchell
Monona
Monroe
Montgomery
Muscatine
O'Brien
Osceola
Page
Palo Alto
Plymouth
Pocahontas
Polk
Pottawattamie
Poweshiek
Ringgold
Sac
Scott
Shelby
Sioux
Story
Tama
Taylor
Union
Wapello
Warren
Washington
Webster
Winnebago
Winneshiek
Woodbury
Worth
Wright

KANSAS

Atchison
Bourbon
Brown
Cheyenne
Crawford
Doniphan
Douglas
Finney
Ford
Franklin
Grant
Gray
Greeley
Haskell
Jackson
Jefferson
Jewell
Johnson
Kearny
Linn
Marshall
Meade
Miami
Morton
Nemaha
Osage
Pottawatomie
Republic
Scott
Seward
Shawnee
Sheridan
Sherman
Stanton
Stevens
Thomas
Wallace
Washington
Wichita

KENTUCKY

Christian
Daviess
Henderson
Hopkins
McLean
Todd
Union

LOUISIANA

Pointe Coupee
Caroline
Kent

MARYLAND

Queen Annes
Talbot

MICHIGAN

Branch
Calhoun
Cass
Clinton
Eaton
Gratiot
Hillsdale
Ingham
Ionia
Jackson
Kalamazoo
Lenawee
Livingston
Monroe
Saginaw
St. Clair
St. Joseph
Shiawassee
Tuscola
Washtenaw

MINNESOTA

Big Stone
Blue Earth
Brown
Carver
Chippewa
Cottonwood
Dakota
Dodge
Douglas
Faribault
Fillmore
Freeborn
Goodhue
Grant
Houston
Jackson
Kandiyohi
Lac qui Parle
Le Sueur
Lincoln
Lyon
McLeod
Martin
Meeker
Mower
Murray
Nicollet
Nobles
Olmsted
Otter Tail
Pipestone
Pope
Redwood
Renville
Rice
Rock
Scott
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wabasha
Waseca
Washington
Watonwan
Winona
Wright
Yellow Medicine

MISSISSIPPI

Tippah

MISSOURI

Adair
Andrew
Atchison
Audrain
Barton
Bates
Boone
Buchanan
Butler
Caldwell
Callaway
Cape Girardeau
Carroll
Cass
Chariton
Clark
Clinton
Cooper
Daviess
De Kalb
Dunklin
Franklin
Gentry
Grundy
Harrison
Henry
Holt
Howard
Jackson
Jasper
Johnson
Knox
Lafayette
Lawrence
Lewis
Lincoln
Linn
Livingston
Macon
Marion
Mercer
Mississippi
Monroe
Montgomery
New Madrid
Nodaway
Pemiscot
Pettis
Pike
Platte
Ralls
Randolph
Ray
St. Charles
Saline
Scotland
Scott
Shelby
Stoddard
Sullivan
Vernon
Worth

NEBRASKA

Adams
Antelope
Boone
Buffalo
Burt
Butler
Cass
Cedar
Chase
Clay
Colfax
Cuming
Custer
Dawson
Dixon
Dodge
Fillmore
Gage
Hall
Hamilton
Holt
Howard
Johnson
Kearney
Knox
Lancaster
Lincoln
Madison
Merrick
Nemaha
Otoe
Pawnee
Phelps
Pierce
Platte
Polk
Richardson
Saline
Saunders
Scotts Bluff
Seward
Sherman
Stanton
Thayer
Washington
Wayne
York

NORTH CAROLINA

Anson
Beaufort
Hyde
Nash
Pamlico
Pitt
Robeson
Rowan
Union
Washington

NORTH DAKOTA

Cass
Ransom
Richland
Sargent

OHIO

Allen
Ashland
Auglaize
Butler
Champaign
Clark
Clinton
Crawford
Darke
Defiance
Delaware
Erie
Fairfield
Fayette
Franklin
Fulton
Greene
Hancock
Hardin
Henry
Highland
Huron
Knox
Licking
Logan
Lucas
Madison
Marion
Medina
Mercer
Miami
Montgomery
Morrow
Ottawa
Paulding
Pickaway
Preble
Putnam
Richland
Sandusky
Seneca
Shelby
Union
Van Wert
Wayne
Williams
Wood
Wyandot

OKLAHOMA

Texas

PENNSYLVANIA

Adams
Chester
Cumberland
Dauphin
Franklin
Lancaster
Lebanon
Perry
York

SOUTH DAKOTA

Aurora
Beadle
Bon Homme
Brookings
Charles Mix
Clark
Clay
Codington
Davison
Day
Deuel
Douglas
Grant
Hamlin
Hanson
Hutchinson
Kingsbury
Lake
Lincoln
McCook
Miner
Minnehaha
Moody
Roberts
Sanborn
Turner
Union
Yankton

TENNESSEE

Franklin
Obion

TEXAS

Castro
Moore

VIRGINIA

Nansemond
Southampton

WISCONSIN

Barron	La Crosse
Buffalo	Lafayette
Calumet	Manitowoc
Chippewa	Pepin
Clark	Pierce
Columbia	Polk
Crawford	Racine
Dane	Richland
Dodge	Rock
Dunn	St. Croix
Eau Claire	Sauk
Fond du Lac	Sheboygan
Grant	Trempealeau
Green	Vernon
Iowa	Walworth
Jackson	Waukesha
Jefferson	Winnebago
Kenosha	

WYOMING

Goshen

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager Federal Crop Insurance Corporation.

[FR Doc.74-28015 Filed 11-29-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for dry bean crop insurance for the 1975 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

APPENDIX; COUNTIES DESIGNATED FOR DRY BEAN CROP INSURANCE; 1975 CROP

COLORADO

County:	Class(es) of dry beans insured
Boulder	Pinto
Larimer	Do.
Logan	Do.
Morgan	Do.
Phillips	Do.
Sedgwick	Do.
Washington	Do.
Weld	Do.
Yuma	Do.

IDAHO

Ada	Great Northern, Pink, Pinto, Red Kidney, Small Red [1]
Canyon	Do.[1]
Cassia	Do.[1]
Gooding	Do.[1]
Jerome	Do.[1]
Lincoln	Do.[1]
Minidoka	Do.[1]
Owyhee	Do.[1]
Twin Falls	Do.[1]

MICHIGAN

Bay	Pea and medium White.
Gratiot	Do.
Huron	Do.
Saginaw	Do.
Sanilac	Do.
Shiawassee	Do.
Tuscola	Do.

NEBRASKA

Box Butte	Great Northern, Pink, Pinto.
Morrill	Do.
Scotts Bluff	Do.
Sheridan	Do.

WASHINGTON

County:	Class(es) of dry beans insured
Adams	Great Northern, Pink, Pinto, Small Flat Whites, Small Red.
Franklin	Do.
Grant	Do.

WYOMING

Big Horn	Great Northern, Pinto.
Goshen	Do.
Park	Do.
Platte	Do.

[1] Insurance is also provided on bush varieties of garden seed beans.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-28020 Filed 11-29-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for flax crop insurance for the 1975 crop year.

APPENDIX; COUNTIES DESIGNATED FOR FLAX CROP INSURANCE; 1975 CROP

MINNESOTA

Becker	Otter Tail
Big Stone	Pennington
Chippewa	Pipestone
Clay	Polk
Grant	Pope
Kittson	Red Lake
Lac qui Parle	Redwood
Lincoln	Roseau
Lyon	Stevens
Mahnomen	Swift
Marshall	Traverse
Murray	Wilkin
Nobles	Yellow Medicine
Norman	

NORTH DAKOTA

Barnes	Mountrail
Benson	Nelson
Bottineau	Pembina
Burleigh	Pierce
Cass	Ramsey
Cavalier	Ransom
Dickey	Renville
Eddy	Richland
Emmons	Rolette
Foster	Sargent
Grand Forks	Sheridan
Griggs	Steele
Kidder	Stutsman
La Moure	Towner
Logan	Traill
McHenry	Walsh
McIntosh	Ward
McLean	Wells

SOUTH DAKOTA

Brookings	Hamlin
Brown	Kingsbury
Campbell	Lake
Clark	McPherson
Codington	Marshall
Corson	Miner
Day	Moody
Deuel	Roberts
Edmunds	Walworth
Grant	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-28014 Filed 11-29-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for oat crop insurance for the 1975 crop year.

APPENDIX; COUNTIES DESIGNATED FOR OAT CROP INSURANCE; 1975 CROP

CALIFORNIA

Modoc

ILLINOIS

Bureau	Jo Daviess
Carroll	Ogle
Henry	Stephenson

IOWA

Adair	Jasper
Adams	Jefferson
Allamakee	Johnson
Appanoose	Jones
Audubon	Keokuk
Benton	Kossuth
Black Hawk	Lee
Boone	Linn
Bremer	Louisa
Buchanan	Lucas
Buena Vista	Lyon
Butler	Madison
Calhoun	Mahaska
Carroll	Marion
Cass	Marshall
Cedar	Mills
Cerro Gordo	Mitchell
Cherokee	Monona
Chickasaw	Monroe
Clarke	Montgomery
Clay	Muscatine
Clayton	O'Brien
Clinton	Osceola
Crawford	Page
Dallas	Palo Alto
Decatur	Plymouth
Delaware	Pocahontas
Des Moines	Polk
Dickinson	Pottawattamie
Dubuque	Poweshiek
Emmet	Sac
Fayette	Scott
Floyd	Shelby
Franklin	Sioux
Fremont	Story
Greene	Tama
Grundy	Taylor
Guthrie	Union
Hamilton	Wapello
Hancock	Warren
Hardin	Washington
Harrison	Webster
Henry	Winnebago
Howard	Winneshiek
Humboldt	Woodbury
Ida	Worth
Iowa	Wright
Jackson	

MINNESOTA

Becker	Cottonwood
Big Stone	Dakota
Blue Earth	Dodge
Brown	Douglas
Carver	Faribault
Chippewa	Fillmore
Clay	Freeborn

MINNESOTA—Continued

Goodhue	Polk
Grant	Pope
Houston	Red Lake
Jackson	Redwood
Kandiyohi	Renville
Kittson	Rice
Lac Qui Parle	Rock
Le Sueur	Roseau
Lincoln	Scott
Lyon	Sibley
McLeod	Stearns
Mahnomen	Steele
Marshall	Stevens
Martin	Swift
Meeker	Todd
Mower	Traverse
Murray	Wabasha
Nicollet	Waseca
Nobles	Washington
Norman	Watonwan
Olmsted	Wilkin
Otter Tail	Winona
Pennington	Wright
Pipestone	Yellow Medicine

NORTH DAKOTA

Barnes	Nelson
Benson	Pembina
Burleigh	Pierce
Cass	Ramsey
Cavalier	Ransom
Dickey	Richland
Eddy	Sargent
Foster	Stark
Grand Forks	Steele
Griggs	Stutsman
Kidder	Towner
La Moure	Traill
Logan	Walsh
Morton	

OREGON

Klamath

PENNSYLVANIA

Chester	Dauphin
Cumberland	Perry

SOUTH DAKOTA

Aurora	Hutchinson
Beadle	Kingsbury
Bon Homme	Lake
Brookings	Lincoln
Brown	McCook
Charles Mix	Marshall
Clark	Miner
Clay	Minnehaha
Codington	Moody
Davison	Roberts
Day	Sanborn
Deuel	Spink
Douglas	Turner
Grant	Union
Hamlin	Yankton
Hanson	

WISCONSIN

Barron	La Crosse
Buffalo	Lafayette
Calumet	Manitowoc
Chippewa	Pepin
Clark	Pierce
Columbia	Polk
Crawford	Racine
Dane	Richland
Dodge	Rock
Dunn	St. Croix
Eau Claire	Sauk
Fond du Lac	Sheboygan
Grant	Trempealeau
Green	Vernon
Iowa	Walworth
Jackson	Waukesha
Jefferson	Winnebago
Kenosha	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-28013 Filed 11-29-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for pea (canning and freezing) crop insurance for the 1975 crop year.

APPENDIX; COUNTIES DESIGNATED FOR PEA (CANNING AND FREEZING) CROP INSURANCE; 1975 CROP

IDAHO

Franklin	Nez Perce

MINNESOTA

Blue Earth	Nicollet
Brown	Olmsted
Dakota	Redwood
Dodge	Renville
Faribault	Rice
Freeborn	Scott
Goodhue	Sibley
Kandiyohi	Steele
Le Sueur	Wabasha
McLeod	Waseca
Martin	Watonwan
Meeker	Winona
Mower	

OREGON

Umatilla	Union

UTAH

Box Elder	Salt Lake
Cache	Weber
Davis	

WASHINGTON

Columbia	Whitman
Walla Walla	

WISCONSIN

Calumet	Fond du Lac
Columbia	Trempealeau
Dane	Winnebago
Dodge	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-28011 Filed 11-29-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for pea (dry) crop insurance for the 1975 crop year.

APPENDIX; COUNTIES DESIGNATED FOR PEA (DRY) CROP INSURANCE; 1975 CROP

IDAHO

Benewah	Lewis
Kootenai	Nez Perce
Latah	

OREGON

Umatilla	Union

WASHINGTON

Adams	Spokane
Columbia	Walla Walla
Franklin	Whitman
Grant	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-28003 Filed 11-29-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for peanut crop insurance for the 1975 crop year. The type(s) of peanuts on which insurance is offered in each county is shown opposite the county name.

APPENDIX; COUNTIES DESIGNATED FOR PEANUT CROP INSURANCE; 1975 CROP

ALABAMA

Barbour—Runner, Southeast Spanish, Virginia.
Coffee—Runner, Southeast Spanish, Virginia.
Conecuh—Runner, Southeast Spanish, Virginia.
Covington—Runner, Southeast Spanish, Virginia.
Crenshaw—Runner, Southeast Spanish, Virginia.
Dale—Runner, Southeast Spanish, Virginia.
Geneva—Runner, Southeast Spanish, Virginia.
Henry—Runner, Southeast Spanish, Virginia.
Houston—Runner, Southeast Spanish, Virginia.
Pike—Runner, Southeast Spanish, Virginia.

FLORIDA

Jackson—Runner, Southeast Spanish, Virginia.

GEORGIA

Baker—Runner, Southeast Spanish, Virginia.
Benn Hill—Runner, Southeast Spanish, Virginia.
Bulloch—Runner, Southeast Spanish, Virginia.
Calhoun—Runner, Southeast Spanish, Virginia.
Clay—Runner, Southeast Spanish, Virginia.
Coffee—Runner, Southeast Spanish, Virginia.
Colquitt—Runner, Southeast Spanish, Virginia.
Cook—Runner, Southeast Spanish, Virginia.
Crisp—Runner, Southeast Spanish, Virginia.
Decatur—Runner, Southeast Spanish, Virginia.
Dodge—Runner, Southeast Spanish, Virginia.
Dooly—Runner, Southeast Spanish, Virginia.
Early—Runner, Southeast Spanish, Virginia.
Houston—Runner, Southeast Spanish, Virginia.
Irwin—Runner, Southeast Spanish, Virginia.
Lee—Runner, Southeast Spanish, Virginia.
Miller—Runner, Southeast Spanish, Virginia.
Mitchell—Runner, Southeast Spanish, Virginia.
Randolph—Runner, Southeast Spanish, Virginia.
Seminole—Runner, Southeast Spanish, Virginia.

Sumter—Runner, Southeast Spanish, Virginia.
Terrell—Runner, Southeast Spanish, Virginia.
Thomas—Runner, Southeast Spanish, Virginia.
Tift—Runner, Southeast Spanish, Virginia.
Toombs—Runner, Southeast Spanish, Virginia.
Turner—Runner, Southeast Spanish, Virginia.
Worth—Runner, Southeast Spanish, Virginia.
Wilcox—Runner, Southeast Spanish, Virginia.

NORTH CAROLINA

Bertie—Virginia.
Bladen—Virginia.
Chowan—Virginia.
Edgecombe—Virginia.
Gates—Virginia.
Halifax—Virginia.
Hertford—Virginia.
Martin—Virginia.
Nash—Virginia.
Northampton—Virginia.
Pitt—Virginia.
Washington—Virginia.

OKLAHOMA

Bryan—Southwest Spanish.
Caddo—Southwest Spanish.
Grady—Southwest Spanish.

SOUTH CAROLINA

Lee—Virginia.
Sumter—Virginia.

TEXAS

Atascosa—Southwest Spanish.
Brown—Southwest Spanish.
Comanche—Southwest Spanish.
Eastland—Southwest Spanish.
Erath—Southwest Spanish.
Fannin—Southwest Spanish.
Frio—Southwest Spanish.
Grayson—Southwest Spanish.
Hood—Southwest Spanish.
Lee—Southwest Spanish.
Wilson—Southwest Spanish.

VIRGINIA

Dinwiddie—Virginia.
Greensville—Virginia.
Isle of Wight—Virginia.
Nansemond—Virginia.
Prince George—Virginia.
Southampton—Virginia.
Surry—Virginia.
Sussex—Virginia.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-28010 Filed 11-29-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for rice crop insurance for the 1975 crop year.

APPENDIX; COUNTIES DESIGNATED FOR RICE CROP INSURANCE; 1975 CROP

ARKANSAS

Arkansas
Ashley
Chicot
Clay
Craighead
Crittenden
Cross
Desha
Greene
Jefferson
Lonoke
Monroe
Poinsett
Prairie
St. Francis
Woodruff

LOUISIANA

Acadia
Calcasieu
Evangeline
Jefferson Davis
Lafayette
St. Landry

MISSISSIPPI

Bolivar
Washington

TEXAS

Brazoria
Fort Bend
Matagorda
Wharton

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-28008 Filed 11-29-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for soybean crop insurance for the 1975 crop year.

APPENDIX; COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE; 1975 CROP

ALABAMA

Baldwin
Dallas
Escambia
Hale
Jackson
Lauderdale
Lawrence
Limestone
Madison
Morgan
Shelby
Talladega

ARKANSAS

Arkansas
Ashley
Chicot
Clay
Craighead
Crittenden
Cross
Desha
Greene
Jackson
Jefferson
Lawrence
Lee
Lincoln
Lonoke
Mississippi
Monroe
Phillips
Poinsett
Prairie
Randolph
St. Francis
Woodruff

DELAWARE

Kent
New Castle
Sussex

GEORGIA

Bulloch
Houston

ILLINOIS

Adams
Bond
Boone
Brown
Bureau
Carroll
Cass
Champaign
Christian
Clark
Clay
Clinton
Coles
Crawford
Cumberland
De Kalb
De Witt
Douglas
Edgar
Effingham
Fayette
Ford
Fulton
Greene
Grundy
Hancock
Henderson
Henry
Iroquois
Jasper
Jefferson
Jersey
Jo Daviess
Kankakee
Kendall
Knox
La Salle
Lawrence
Lee
Livingston
Logan
Marion
McDonough
McHenry
McLean
Macon
Macoupin
Madison
Marshall
Mason
Menard
Mercer
Monroe
Montgomery
Morgan
Moultrie
Ogle
Peoria
Piatt
Pike
Putnam
Randolph
Richland
Rock Island
St. Clair
Sangamon
Schuyler
Scott
Shelby
Stark
Stephenson
Tazewell
Vermilion
Warren
Washington
Wayne
Whiteside
Will
Winnebago
Woodford

INDIANA

Adams
Allen
Bartholomew
Benton
Blackford
Boone
Carroll
Cass
Clay
Clinton
Daviess
Decatur
De Kalb
Delaware
Elkhart
Fayette
Fountain
Fulton
Gibson
Grant
Greene
Hamilton
Hancock
Hendricks
Henry
Howard
Huntington
Jackson
Jasper
Jay
Johnson
Knox
Kosciusko
Lagrange
Madison
Marion
Marshall
Miami
Montgomery
Morgan
Newton
Noble
Parke
Posey
Pulaski
Putnam
Randolph
Ripley
Rush
Shelby
Sullivan
Tippecanoe
Tipton
Union
Vermillion
Vigo
Wabash
Warren
Wayne
Wells
White
Whitley

IOWA

Adair
Adams
Appanoose
Allamakee
Audubon
Benton
Black Hawk
Boone
Bremer
Buchanan
Buena Vista
Butler
Calhoun
Carroll
Cass
Cedar
Cerro Gordo
Cherokee
Chickasaw
Clarke
Clay
Clayton
Clinton
Crawford
Dallas
Decatur
Delaware
Des Moines
Dickinson
Dubuque
Emmet
Fayette
Floyd
Franklin
Fremont
Greene
Grundy
Guthrie
Hamilton
Hancock
Hardin
Harrison
Henry
Howard
Humboldt
Ida
Iowa
Jackson
Jasper
Jefferson
Johnson
Jones
Keokuk
Kossuth

IOWA—Continued

Lee
Linn
Louisa
Lucas
Lyon
Madison
Mahaska
Marion
Marshall
Mills
Mitchell
Monona
Monroe
Montgomery
Muscatine
O'Brien
Osceola
Page
Palo Alto
Plymouth
Pocahontas
Polk
Pottawattamie
Poweshiek
Ringgold
Sac
Scott
Shelby
Sioux
Story
Tama
Taylor
Union
Wapello
Warren
Washington
Webster
Winnebago
Winneshiek
Woodbury
Worth
Wright

KANSAS

Allen
Anderson
Atchison
Bourbon
Brown
Cherokee
Coffey
Crawford
Doniphan
Douglas
Franklin
Jackson
Jefferson
Johnson
Labette
Linn
Lyon
Marshall
Miami
Neosho
Osage
Wilson
Woodson

KENTUCKY

Calloway
Daviess
Fulton
Graves
Henderson
Hopkins
McLean
Ohio
Union

LOUISIANA

Acadia
Avoyelles
Bossier
Caddo
Calcasieu
Caldwell
Catahoula
Concordia
East Carroll
Evangeline
Franklin
Jefferson Davis
Lafayette
Madison
Morehouse
Natchitoches
Pointe Coupee
Rapides
Red River
Richland
St. Landry
Tensas
West Carroll

MARYLAND

Caroline
Kent
Queen Annes
Talbot

MICHIGAN

Branch
Cass
Clinton
Gratiot
Hillsdale
Lenawee
Monroe
Saginaw
St. Joseph
Shiawassee
Washtenaw

MINNESOTA

Becker
Big Stone
Blue Earth
Brown
Carver
Chippewa
Clay
Cottonwood
Dakota
Dodge
Douglas
Faribault
Fillmore
Freeborn
Goodhue
Grant
Houston
Jackson
Kandiyohi
Lac qui Parle
Le Sueur
Lincoln
Lyon
McLeod
Martin
Meeker
Mower
Murray
Nicollet
Nobles

MINNESOTA—Continued

Norman
Olmsted
Otter Tail
Pipestone
Pope
Redwood
Renville
Rice
Rock
Scott
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wabasha
Waseca
Washington
Watonwan
Wilkin
Winona
Wright
Yellow Medicine

MISSISSIPPI

Benton
Bolivar
Calhoun
Carroll
Chickasaw
Coahoma
De Soto
Hinds
Holmes
Humphreys
Issaquena
Lee
Leflore
Madison
Monroe
Panola
Pontotoc
Prentiss
Quitman
Sharkey
Sunflower
Tallahatchie
Tippah
Tunica
Union
Washington
Yazoo

MISSOURI

Adair
Andrew
Atchison
Audrain
Barton
Bates
Boone
Buchanan
Butler
Caldwell
Callaway
Cape Girardeau
Carroll
Cass
Chariton
Clark
Clinton
Cooper
Daviess
De Kalb
Dunklin
Gentry
Grundy
Harrison
Henry
Holt
Howard
Jackson
Jasper
Johnson
Knox
Lafayette
Lewis
Lincoln
Linn
Livingston
Macon
Marion
Mercer
Mississippi
Monroe
Montgomery
New Madrid
Nodaway
Pemiscot
Pettis
Pike
Platte
Ralls
Randolph
Ray
St. Charles
Saline
Scotland
Scott
Shelby
Stoddard
Sullivan
Vernon
Worth

NEBRASKA

Burt
Cass
Cedar
Colfax
Cuming
Dodge
Lancaster
Madison
Nemaha
Otoe
Platte
Richardson
Saunders
Washington
Wayne

NORTH CAROLINA

Anson
Beaufort
Craven
Hyde
Johnston
Jones
Pamlico
Pitt
Robeson
Union
Washington

NORTH DAKOTA

Cass
Richland
Traill

OHIO

Allen
Ashland
Auglaize
Butler
Champaign
Clark
Clinton
Crawford
Darke
Defiance
Delaware
Erie
Fairfield
Fayette
Franklin
Fulton
Greene
Hancock
Hardin
Henry
Highland
Huron
Knox
Licking
Logan
Lucas
Madison
Marion
Medina
Mercer
Miami
Montgomery
Morrow
Ottawa
Paulding
Pickaway
Preble
Putnam
Richland
Sandusky
Seneca
Shelby
Union
Van Wert
Wayne
Williams
Wood
Wyandot

OKLAHOMA

Craig
Ottawa

SOUTH CAROLINA

Aiken
Allendale
Bamberg
Barnwell
Calhoun
Clarendon
Darlington
Dillon
Dorchester
Florence
Hampton
Horry
Kershaw
Lee
Lexington
Marion
Marlboro
Orangeburg
Sumter
Williamsburg

SOUTH DAKOTA

Bon Homme
Brookings
Charles Mix
Clay
Deuel
Grant
Hamlin
Hutchinson
Kingsbury
Lake
Lincoln
McCook
Minnehaha
Moody
Roberts
Turner
Union
Yankton

TENNESSEE

Carroll
Chester
Crockett
Dyer
Fayette
Gibson
Hardeman
Haywood
Lake
Lauderdale
Madison
Obion
Shelby
Tipton
Weakley

VIRGINIA

Nansemond
Southampton

WISCONSIN

Buffalo
Dane
Dunn
Jackson
Jefferson
Kenosha
Pepin
Pierce
Polk
Racine
Rock
St. Croix
Trempealeau
Walworth

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager,
Federal Crop Insurance Corporation.

[FR Doc.74-28007 Filed 11-29-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties

have been designated for sugar beet crop insurance for the 1975 crop year.

APPENDIX; COUNTIES DESIGNATED FOR SUGAR BEET CROP INSURANCE; 1975 CROP

CALIFORNIA

Fresno, Imperial, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare

COLORADO

Adams, Boulder, Kit Carson, Larimer, Logan, Morgan, Phillips, Sedgwick, Weld, Yuma

IDAHO

Ada, Bannock, Bingham, Bonneville, Canyon, Cassia, Franklin, Jerome, Minidoka, Owyhee, Power, Twin Falls

KANSAS

Finney, Grant, Kearny, Sherman, Stanton, Wallace

MICHIGAN

Bay, Huron, Saginaw, Tuscola

MINNESOTA

Chippewa, Clay, Faribault, Grant, Kandiyohi, Kittson, Lac qui Parle, Marshall, Norman, Polk, Renville, Swift, Traverse, Wilkin, Yellow Medicine

MONTANA

Carbon, Custer, Dawson, Prairie, Richland, Rosebud, Stillwater, Treasure, Yellowstone

NEBRASKA

Box Butte, Morrill, Scotts Bluff

NORTH DAKOTA

Cass, Grand Forks, McKenzie, Pembina, Richland, Traill, Walsh, Williams

OHIO

Hancock, Henry, Lucas, Ottawa, Putnam, Sandusky, Wood

OREGON

Malheur

UTAH

Box Elder, Cache, Davis, Salt Lake, Utah, Weber

WASHINGTON

Adams, Benton, Franklin, Grant, Yakima

WYOMING

Big Horn, Goshen, Park, Washakie

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-28006 Filed 11-29-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for tobacco crop insurance for the 1975 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the county name.

APPENDIX; COUNTIES DESIGNATED FOR TOBACCO CROP INSURANCE; 1975 CROP

FLORIDA

Alachua	14	Madison	14
Columbia	14	Suwannee	14
Hamilton	14		

GEORGIA

Appling	14	Jeff Davis	14
Atkinson	14	Lanier	14
Bacon	14	Lowndes	14
Ben Hill	14	Mitchell	14
Berrien	14	Pierce	14
Brantley	14	Tattnall	14
Brooks	14	Thomas	14
Bulloch	14	Tift	14
Candler	14	Toombs	14
Coffee	14	Turner	14
Colquitt	14	Ware	14
Cook	14	Wayne	14
Decatur	14	Worth	14
Irwin	14		

KENTUCKY

Adair	31	Lincoln	31
Allen	31, 35	Logan	22, 31, 35
Anderson	31	McLean	31, 36
Barren	31	Madison	31
Bath	31	Marion	31
Boone	31	Marshall	23, 31, 35
Bourbon	31	Mason	31
Boyle	31	Meade	31
Bracken	31	Mercer	31
Breckinridge	31	Metcalfe	31
Caldwell	22, 31, 35	Montgomery	31
Calloway	23, 35	Muhlenberg	22, 31,
Carroll	31	Nelson	31
Casey	31	Nicholas	31
Christian	22, 31, 35	Ohio	31, 36
Clark	31	Owen	31
Daviess	31, 36	Pendleton	31
Fayette	31	Pulaski	31
Fleming	31	Robertson	31
Franklin	31	Russell	31
Garrard	31	Scott	31
Grant	31	Shelby	31
Graves	23, 31, 35	Simpson	22, 31, 35
Green	31	Spencer	31
Harrison	31	Taylor	31
Hart	31	Todd	22, 31, 35
Henderson	31, 36	Trigg	22, 31, 35
Henry	31	Warren	31, 35
Hopkins	31, 36	Washington	31
Jessamine	31	Wayne	31
Larue	31	Woodford	31
Lewis	31		

MISSOURI

Buchanan	31	Platte	31

NORTH CAROLINA

Alamance	11a	Lee	11b
Alexander	11a	Lenoir	12
Beaufort	12	Madison	31
Bertie	12	Martin	12
Bladen	13	Mitchell	31
Brunswick	13	Montgomery	11b
Buncombe	13	Moore	11b
Carteret	12	Nash	12
Caswell	11a	Northampton	12
Chatham	11b	Onslow	12
Chowan	12	Orange	11b
Columbus	13	Pamlico	12
Craven	12	Pender	12
Cumberland	13	Person	11a
Davidson	11a	Pitt	12
Davie	11a	Randolph	11a
Duplin	12	Richmond	11b
Durham	11b	Robeson	13
Edgecombe	12	Rockingham	11a
Forsyth	11a	Sampson	12
Franklin	11b	Scotland	13
Gates	12	Stokes	11a
Granville	11b	Surry	11a
Greene	12	Vance	11b
Guilford	11a	Wake	11b
Halifax	12	Warren	11b
Harnett	11b	Washington	12
Haywood	31	Wayne	12
Hertford	12	Wilkes	11a
Hoke	13	Wilson	12
Iredell	11a	Yadkin	11a
Johnston	12	Yancey	31
Jones	12		

OHIO

Adams	31	Highland	31
Brown	31		

PENNSYLVANIA

Lancaster	41

SOUTH CAROLINA

Chesterfield	13	Kershaw	13
Clarendon	13	Lee	13
Darlington	13	Marion	13
Dillon	13	Marlboro	13
Dorchester	13	Orangeburg	13
Florence	13	Sumter	13
Georgetown	13	Williamsburg	13
Horry	13		

TENNESSEE

Anderson	31	Macon	31, 35
Blount	31	Marshall	31
Carter	31	Maury	31
Claiborne	31	Monroe	31
Cocke	31	Montgomery	22, 31
DeKalb	31	Obion	23, 35
Dickson	22	Putnam	31
Franklin	31	Robertson	22, 31, 35
Giles	31	Sevier	31
Grainger	31	Smith	31
Greene	31	Stewart	22, 31
Hamblen	31	Sullivan	31
Hancock	31	Sumner	22, 31, 35
Hawkins	31	Trousdale	31
Jackson	31	Unicoi	31
Jefferson	31	Washington	31
Johnson	31	Weakley	23, 35
Knox	31	White	31
Lawrence	31	Williamson	31
Lincoln	31	Wilson	31
Loudon	31		
McMinn	31		

VIRGINIA

Amelia	11a, 21	Greensville	11a
Appomattox	11a, 21	Halifax	11a
Brunswick	11a, 21	Lee	31
Campbell	11a, 21	Lunenberg	11a, 21
Charlotte	11a, 21	Mecklenburg	11a
Cumberland	11a, 21	Nansemond	11a
Dinwiddie	11a, 21	Nottoway	11a, 21
Franklin	11a	Patrick	11a

VIRGINIA—Continued

Pittsylvania	11a	Scott	31
Prince Edward	11a, 21	Smyth	31
Prince George	11a	Southampton	11a
Russell	31	Sussex	11a
		Washington	31

WISCONSIN

Crawford	55	Richland	55
Dane	54	Trempealeau	55
La Crosse	55	Vernon	55

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager,
Federal Crop Insurance Corporation.

[FR Doc.74-28005 Filed 11-29-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for tomato crop insurance for the 1975 crop year.

APPENDIX; COUNTIES DESIGNATED FOR TOMATO CROP INSURANCE; 1975 CROP

OHIO

Darke	Ottawa
Fulton	Putnam
Henry	Sandusky
Lucas	Wood

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager,
Federal Crop Insurance Corporation.

[FR Doc.74-28004 Filed 11-29-74;8:45 am]

PART 402—RAISIN CROP INSURANCE

Subpart—Regulations for the 1966 and Succeeding Crop Years

Pursuant to authority contained in § 402.1 of the above-identified regulations, the following counties have been designated for raisin crop insurance for the 1975 crop year.

APPENDIX; COUNTIES DESIGNATED FOR RAISIN CROP INSURANCE; 1975 CROP

CALIFORNIA

Fresno	Merced
Kern	Stanislaus
Kings	Tulare
Madera	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager,
Federal Crop Insurance Corporation.

[FR Doc.74-28009 Filed 11-29-74;8:45 am]

PART 403—PEACH CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

Pursuant to authority contained in § 403.40 of the above-identified regulations, as amended, the following counties have been designated for peach crop insurance for the 1975 crop year.

APPENDIX; COUNTIES DESIGNATED FOR PEACH CROP INSURANCE; 1975 CROP

ALABAMA	SOUTH CAROLINA
Chilton	Aiken
ARKANSAS	Allendale
	Barnwell
Cross	Chesterfield
Johnson	Edgefield
Lee	Greenville
St. Francis	Lexington
GEORGIA	Spartanburg
	York
Houston	
Peach	
Upson	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-28001 Filed 11-29-74;8:45 am]

PART 404—APPLE CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

Pursuant to the authority contained in § 404.20 of the above-identified regulations, the following counties have been designated for apple crop insurance for the 1975 crop year.

APPENDIX; COUNTIES DESIGNATED FOR APPLE CROP INSURANCE; 1975 CROP

OREGON	WASHINGTON
Umatilla	Chelan
	Columbia
	Douglas
	Okanogan

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-28002 Filed 11-29-74;8:45 am]

PART 406—CALIFORNIA ORANGE CROP INSURANCE

Subpart—Regulations for the 1963 and Succeeding Crop Years

Pursuant to authority contained in § 406.1 of the above-identified regulations, as amended, the following counties have been designated for orange crop insurance for the 1975 crop year.

APPENDIX; COUNTIES DESIGNATED FOR ORANGE CROP INSURANCE; 1975 CROP

CALIFORNIA

Fresno	Tulare
Kern	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-28012 Filed 11-29-74;8:45 am]

PART 408—NORTH CAROLINA APPLE CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

Pursuant to authority contained in § 408.1 of the above-identified regulations, as amended, the following counties have been designated for apple crop insurance for the 1975 crop year.

APPENDIX; COUNTIES DESIGNATED FOR APPLE CROP INSURANCE; 1975 CROP

NORTH CAROLINA

Alexander	Wilkes
Henderson	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-28021 Filed 11-29-74;8:45 am]

PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1974 and Succeeding Crop Years

Pursuant to authority contained in § 409.30 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1975 crop year.

APPENDIX; COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE; 1975 CROP

ARIZONA

Maricopa	Riverside

CALIFORNIA

Imperial	Yuma

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-28018 Filed 11-29-74;8:45 am]

PART 413—TEXAS CITRUS CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

Pursuant to authority contained in § 413.20 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1975 crop year.

APPENDIX; COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE

TEXAS

Cameron	Willacy
Hidalgo	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-28017 Filed 11-29-74;8:45 am]

PART 410—FLORIDA CITRUS CROP INSURANCE

Subpart—Regulations for the 1970 and Succeeding Crop Years

Pursuant to authority contained in § 410.1 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1975 crop year.

APPENDIX; COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE; 1975 CROP

FLORIDA

Brevard	Marion
De Soto	Martin
Hardee	Orange
Hernando	Osceola
Highlands	Pasco
Hillsborough	Polk
Indian River	St. Lucie
Lake	Seminole
Manatee	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-28019 Filed 11-29-74;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 6]

PART 711—MARKETING QUOTA REVIEW REGULATIONS

Miscellaneous Amendments

A notice of proposed rulemaking to amend the marketing quota review regulations was published in the FEDERAL REGISTER on October 4, 1974 (39 FR 35807). Interested persons were given 30 days after publication of the notice to submit written data, views, or recommendations with respect to the proposed amendment. No data, views, or recommendations were received.

Accordingly, the proposed amendment is adopted without change as set out below:

Section 711.29 of Part 711, marketing quota review regulations is amended by revising the areas of venue for the State of South Carolina to read as follows:

§ 711.29 Establishment of areas of venue.

* * * * *

SOUTH CAROLINA

Counties of:

Area I—Abbeville, Cherokee, Greenville, Lancaster, Spartanburg, York.

Area II—Chesterfield, Kershaw, Lee, Marlboro, Richland, Sumter.

Area III—Clarendon, Darlington, Dillon, Florence, Georgetown, Horry, Marion, Williamsburg.

Area IV—Aiken, Bamberg, Barnwell, Calhoun, Lexington, Orangeburg.

Area V—Allendale, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper.

* * * * *

(Secs. 301, 363–368, 375, 52 Stat. 38, as amended, 63, 64, as amended, 66, as amended; (7 U.S.C. 1301, 1363–1368, 1375))

Effective date. Since it is desirable to make the revised areas of venue effective as soon as possible, it is hereby determined and found that compliance with the effective date requirement of 5 U.S.C. 553 is unnecessary. Accordingly, this amendment shall become effective December 2, 1974.

Signed at Washington, D.C. on November 22, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-28084 Filed 11-29-74;8:45 am]

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

[Lemon Reg. 668]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period December 1–7, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.968 Lemon Regulation 668.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons was more active at the beginning of the week but is expected to drop sharply as the week progresses, because much of the trade will be closed starting Thursday for a long holiday weekend. Supply out is adequate, except it is somewhat heavy in auctions. Average f.o.b. price was $4.91 per carton the week ended November 23, 1974, compared to $4.92 per carton the previous week. Track and rolling supplies at 162 cars were up one car from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this 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 November 26, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period December 1, 1974, through December 7, 1974, is hereby fixed at 175,000 cartons.

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

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

Dated: November 27, 1974.

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

[FR Doc.74-28199 Filed 11-29-74;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE, DEPARTMENT OF AGRICULTURE

[Docket No. AO–86–A32]

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Nebraska-Western Iowa marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Omaha, Nebraska, on May 13 and 14, 1974, pursuant to notice thereof issued April 8, 1974 (39 FR 13162) and April 17, 1974 (39 FR 14214).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator on October 24, 1974 (39 FR 38233), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issues on the record of the hearing relate to:

1. Pooling of a distributing plant that was pooled in the previous month but does not meet the pooling standards in the current month.
2. Payments by a handler for milk delivered by a cooperative association as a bulk tank handler.
3. Time and method of payment by a handler for milk received from a pool plant operated by a cooperative association.
4. Definition of price zones in the marketing area and applicable prices.
5. Miscellaneous.

Findings and Conclusions

The following findings and conclusions on the material issues (except issue No. 2 for which there was no evidence at the hearing) are based on evidence presented at the hearing and the record thereof:

1. *Pooling qualifications of a distributing plant.* A distributing plant that has qualified as a pool plant in the preceding month by meeting the performance standards should continue as a pool distributing plant in the current month if it meets all requirements of the pool distributing plant definition except that the total disposition on routes is less than the required 35 percent.

A distributing plant now may qualify for pooling only if its route disposition (except filled milk) inside and outside the marketing area is not less than 35 percent of the Grade A milk received at the plant from dairy farmers, supply plants and cooperative association bulk tank handlers, and not less than 15 percent of such receipts are so disposed of in the marketing area.

A cooperative association proposed that a distributing plant qualified as a pool plant in the preceding month by meeting all performance requirements should be accorded pooling status in the current month even though it does not meet the minimum 35 percent total route disposition requirement. This, proponent pointed out, is necessary to protect producers from accidental loss of producer status when a distributing plant unexpectedly fails to meet the pooling requirements.

Evidence in support of this proposal was directed primarily to distributing plant operations with total month-to-month Class I route disposition in close proximity to the 35 percent pooling standard. The additional requirement for pooling, that not less than 15 percent of such total route disposition be in the defined marketing area, was not shown to be a problem.

Circumstances may cause a loss of pooling status not anticipated by a distributing plant operator. An example was cited of a distributing plant operator who also processes ice cream and cottage cheese, and whose route disposition usually is near the 35 percent minimum pooling requirement. A small decrease in fluid sales, or increase in receipts utilized in cottage cheese or ice cream during the month, could result in failure of the plant to qualify for pooling. Such disqualification occurred in three months of 1973 and one month in 1974.

Producers' interests are directly affected in such circumstances since a dairy farmer whose milk is delivered the entire month to a distributing plant that loses its pool qualification faces loss of his producer status. Admittedly, in some instances, a dairy farmer's producer status can be retained, if his milk delivered to the nonqualifying plant is reported as milk diverted to a nonpool plant. Nevertheless, a substantial problem exists when the disqualification of the plant had not been anticipated. In such circumstances, the cooperative marketing its members' milk may not be able to include such milk in its diversions for the month without exceeding the diversion limits specified in the order. This results in an inequitable sharing of total market proceeds among all producers regularly and substantially associated with the market.

Under circumstances existing in the market, it is unlikely that any distributing plant operator with substantial distribution in the market would intentionally operate his plant in a manner which results in loss of pool status. Hence, continuing the plant in pool status for one month under the provision here adopted will allow the plant operator reasonable time to adjust his business to meet the qualifying requirements. If he then fails to do so, it will be apparent that the plant operations are such that it can no longer meet the standards. It would be inappropriate to provide the assurance of pooling status beyond the single month since continued pooling of a nonqualifying distributing plant in this manner would seriously compromise the integrity of regulation. The 35 percent route distribution requirements is appropriate for pooling distributing plants in light of the circumstance in the market, and, except for this modification here provided, should be maintained.

The requirement that the plant have route disposition in the marketing area of 15 percent of specified receipts in the current month is not affected by the waiver of the 35 percent total route distribution requirement.

The 15 percent in-area route disposition was adopted as the minimum plant association with this market requiring full regulation. A plant with less than 15 percent of its receipts disposed of on routes in the marketing area was not considered to be a sufficient factor in the market to make full regulation mandatory. Such a plant clearly would be more substantially associated with another market, and full regulation here, it was concluded, could place the plant at a competitive disadvantage in its primary market. There was no claim at this hearing of any difficulty on the part of any plant in meeting this requirement each month. Continuing this requirement even though the 35 percent total route disposition requirement is waived provides continuing assurance that the plant is substantially associated with the local fluid market.

There was no objection on the record to the proposed modification of the pooling provisions for distributing plants. Consideration must be given, however, to the possibility that a distributing plant may be disposing of milk on routes in the marketing area of two orders. The provisions of the order exclude from pool plant status a plant from which a lesser volume of fluid milk products is disposed during the month in the Order 65 marketing area than in the marketing area of another order, and which is fully subject to the classification and pricing of the other order. It is not intended that the change herein provided will in any way affect the application of § 1065.7 (d) (2). This arrangement is necessary to avoid conflict between orders.

In event of regulation under another order, the dairy farmers whose milk is delivered to the other order plant would normally be producers under such other order, and their milk would be priced accordingly.

3. *Payments for plant milk.* The order should require that a handler make a partial payment on or before the 26th day of the month to a cooperative association for fluid milk products received during the first 15 days of the month from a pool plant operated by the cooperative. Such payment should be at a rate not less than the Class III price of the preceding month. A final payment should be made on or before the 14th day following the end of the month for the class use value of the fluid milk products

delivered during the entire month less the partial payment.

The modifications in the payment provisions were proposed by a cooperative association representing the majority of producers in the Nebraska-Western Iowa market.

Presently, the order does not require a schedule of payments that a handler shall meet for fluid milk products he receives from a cooperative's pool plant. Handlers are, however, required to meet a payment schedule (partial and final) for all milk received from producers' farms, including that received from a cooperative acting as a bulk tank handler delivering milk from producers' farms.

The milk a handler purchases from a pool plant operated by a cooperative association is treated as producer milk received by the cooperative at the location of its pool plant and as an interhandler transfer to the handler buying the milk from the cooperative. Thus, the cooperative is held accountable to the pool for such milk and, unless prompt payment is received from the buying handler, the cooperative could be placed under serious financial stress.

The order should be modified, therefore, to insure that the cooperative association will receive timely payments for all fluid milk products it delivers to other handlers not only directly as producer milk, but also as transfers from the cooperative's pool plant. This procedure will insure that the cooperative association can meet its obligation to the producer-settlement fund and also make timely payments to the producers whose milk it is marketing.

Adoption of this provision will provide greater assurance of equality as between handlers in the cost of their milk. A pool plant operator purchasing cooperative plant milk and not making timely payments would have a significant procurement cost advantage over his competitors receiving milk directly from producers' farms and who are required to make prompt payments on such milk. The dates for payments on plant milk adopted herein are the same as now apply when a handler receives milk from a cooperative bulk tank handler delivering the milk from producers' farms.

The amount of the partial payment, at the previous month's Class III price, adjusted by the butterfat differential, represents the lowest use value that can apply and is not an unreasonable payment requirement by handlers who have had the use of the milk for at least 11 days or longer before any payment is due. If the fluid milk product shipped is skim milk or has a butterfat content other than 3.5 percent, adjustment will be made using the butterfat differential of the preceding month.

A handler objected to the proposed partial payment on the 26th day of the month for milk received from a cooperative pool plant. His reason was that his costs would be increased because he would need to borrow money at a high rate of interest, presumably because he would not have obtained complete payment from his customers.

It is proper that the order require a handler to pay producers and cooperative associations for milk promptly, notwithstanding that interest costs are possibly incurred by the handler in maintaining cash flow to meet such payments. It is not supportable that the producers, rather than handlers, should completely bear the burden of financing any lag in money flow in a handler's operations considering that producers have incurred their costs of production and may be paying interest on funds borrowed to maintain business operations. Without a partial payment, a producer would be uncompensated for production costs he had incurred as early as 45 days previously.

Final settlement by the handler to the cooperative for plant milk should be for the value of the fluid milk products delivered, at class prices, applicable at the transferee plant, adjusted by the butterfat differential.

No objection was made by other handlers with respect to the proposed partial or final payments on milk received from a cooperative's pool plant.

4. *Price Zones.* No change should be made in the boundaries of Zones 1, 2, and 3 of the marketing area or in the prices applicable to such zones.

Three price zones are provided within the marketing area. Zone 1 includes 39 counties of eastern Nebraska and a north-south tier of counties in Iowa (5 counties and part of Pottawottamie), and a portion of Union County, South Dakota. The largest cities in Zone 1 are Omaha and Lincoln, Nebraska, and Council Bluffs and Sioux City, Iowa.

Zone 2, just east of Zone 1, is comprised of 11 Iowa counties and the remainder of Pottawottamie County. Le Mars in Plymouth County, Iowa, is the largest population center in this zone.

Zone 3, west of Zone 1, comprised of 31 Nebraska counties extending to the Wyoming state line, includes the cities North Platte, Grand Island and Scottsbluff.

The Class I prices applicable to milk received at regulated plants in Zones 2 and 3 are 10 cents less, and 15 cents more, respectively, than the Zone 1 price, which is $1.60 over the basic formula price.

For regulated plants outside the marketing area, minus location adjustments of the Class I price for the nearest zone apply at the rate of 1.5 cents per 10 miles or fraction thereof from the nearest of the city halls in Chadron, Grand Island, Lincoln, Norfolk, North Platte, Omaha, and Scottsbluff in Nebraska, and Sioux City, Iowa. The uniform price to producers whose milk is delivered to plants in the respective zones or to plants where location adjustments apply is adjusted in the same amount as the Class I price.

Proposals by two handlers, as set forth in the hearing notice, would change or eliminate the price zones in the Nebraska-Western Iowa marketing area. One handler proposed that all three zones be eliminated and that the Zone 1 Class I price of $1.60 per hundredweight over the basic formula apply to all Class I milk subject to regulation under the order. Another handler proposed that Zones 1 and 2 be consolidated and that the Zone 1 Class I price differential of $1.60 apply throughout such consolidated area. The handler also proposed that Hall County, Nebraska, be shifted from Zone 3 to Zone 1.

The proposal to eliminate all zone pricing, if adopted, would result in a reduction of 15 cents per hundredweight in the Class I price of milk received at pool plants located in Zone 3 and an increase of 10 cents per hundredweight in the Class I price for milk received at pool plants in Zone 2.

The proponent handler contended that zone price differences are unnecessary and result in inequitable competitive situations where a handler with a plant in one zone has route disposition from that plant into another zone. This handler operates two pool distributing plants, one located at North Platte, Nebraska (Zone 3), and another at Lincoln, Nebraska (Zone 1). He acknowledged that when zone prices were originally established in the order such pricing was necessary in order to obtain orderly marketing. Now he contends that pricing by zones should be eliminated because of recent efficiencies in distribution, such as improved highway systems, larger trucks, automated loading operations, and changed buying policies of grocery chains, that allow a greater opportunity for expanding distribution.

The handler's Lincoln plant distributes in Zone 1 and its routes extend into Zone 2 and the eastern edge of Zone 3. His North Platte plant, besides serving the immediate area, also has distribution reaching to the western panhandle of the Nebraska-Western Iowa marketing area and throughout northwestern Nebraska, and has only a "small amount" of milk distribution in Zone 1.

The proposal to eliminate zone prices was supported by a handler that operates four pool distributing plants, three in Zone 1, at Sioux City, Iowa, and Omaha, and Lincoln, Nebraska, and one in Zone 3 at Grand Island, Nebraska. He alleged that the Zone 2 Class I price gives a 10-cent advantage to a regulated distributing plant located at Le Mars, Iowa, in competition for fluid milk sales with Zone 1 distributors. He alleged also that the 15 cent higher Class I price (compared to the Zone 1 price) applicable to his Zone 3 plant at Grand Island disadvantaged him in his competition with Zone 1 handlers.

The proposal to consolidate Zones 1 and 2 was supported on the record by a handler who operates a pool distributing plant at Lincoln, Nebraska (Zone 1) and another at Grand Island, Nebraska (Zone 3). This handler claimed there was a recent expansion of distribution by the Le Mars, Iowa plant (Zone 2) into the Omaha-Fremont, Nebraska, area (Zone 1). This, he alleged, creates a disruptive condition where adequate capacity exists among plants in Omaha and Lincoln to

supply these consuming centers. He contended that all handlers who compete in the populated areas in Zone 1 should be paying the same price for milk.

The existing price structure of this regulation was established by the decision of the Assistance Secretary issued April 15, 1968 (33 FR 6046), merging the Sioux City order with the Nebraska-Western Iowa order. The Zone 1 Class I price adopted in that decision was the existing Sioux City order Class I price which was the same as the Nebraska-Western Iowa "Eastern Zone" Class I price. Zone 1, under the current order, includes the same Omaha-Lincoln-Council Bluffs complex of cities as formerly were included in the "Eastern Zone."

The economic basis for zone pricing in the marking area is the relative value of milk delivered to plants in the several zones. The higher zone prices in the central and western zones reflects the increasing distance from heavy milk producing regions in Minnesota and Iowa and the progressively higher cost, because of transportation.

There are efficient means of transport to mave milk over long distances so that Grade A milk from a distant source can be delivered as a product qualified for fluid consumption in any market. This mobility of Grade A milk supplies would tend to result, even under conditions without regulation, in a geographic price structure that achieves a balancing of supply and demand factors throughout a region. Such price structure would reflect the cost of transportation from surplus milk producing areas to markets in the region.

Generally, the same kind of price alignment as normally would result under free market conditions is recognized in establishing the Class I price for a particular Federal order. The Class I prices of Federal order markets within a broad region, including the Nebraska-Western Iowa market, are structured to reflect the geographic relationship of the several markets to the areas of heaviest milk production. The relative levels of Class I prices are indicated by the differentials over the basic formula price as follows:

Order: [1]	*Class I differential*
Minneapolis-St. Paul	$1.06
Southeastern Minnesota-Northern Iowa	1.06
North Central Iowa	1.25
Des Moines	1.40
Eastern South Dakota	1.50
Nebraska-Western Iowa:	
Zone 2	1.50
Zone 1	1.60
Zone 3	1.75
Black Hills	1.95
Greater Kansas City	1.74
Wichita	1.80
Eastern Colorado	2.30

[1] Official notice is taken of the respective orders named in the table.

Such prices have been established under the statutory requirement to reflect the supply and demand conditions in the respective markets.

In view of the recognized mobility of milk between markets, the supply and demand relationship in the Nebraska-Western Iowa market is affected by the extensive overlapping of procurement areas with other markets. Producers for this market located in southwestern Minnesota are intermingled with dairy farmers producing milk for the Eastern South Dakota, Des Moines, Iowa, Minneapolis-St. Paul, and the Southeastern Minnesota-Northern Iowa Federal order markets. In Iowa, producers supplying this market are located in the same counties as producers supplying the Greater Kansas City, North Central Iowa, Eastern South Dakota, Des Moines, Iowa, and Cedar Rapids-Iowa City Federal order markets. Producers supplying the Nebraska-Western Iowa market also are intermingled in South Dakota with producers supplying the Eastern South Dakota Federal order market. In the State of Kansas, producers supplying this market are located in counties where other dairy farmers produce milk for the Greater Kansas City and Eastern Colorado Federal milk orders. Milk for the Eastern Colorado Federal order market is also reecived from dairy farmers in the State of Nebraska.

Grade A dairy farmers and their cooperative associations, in attempting to achieve the highest returns for their milk, are influenced by the price relationships among the several markets. As indicated by one witness, groups of dairy farmers that have their milk priced under the Southeastern Minnesota-Northern Iowa market reasonably could be expected to be attracted to this market by a price increase under Order 65 compared to Order 61. This witness represented a cooperative association that operates an Order 65 pool supply plant at Sibley, Iowa, a location outside the marketing area where the Zone 2 price applies.

Handlers in the Nebraska-Western Iowa market also are influenced in their procurement decisions by inter-market price relationships. The Class I prices in other markets represent the cost of alternative supplies from milk sources associated with such markets and thus play an integral role in the supply and demand situation in this market. In April, May, and June 1974, more than 300,000 pounds of milk per month, priced under other Federal milk orders, was used in Class I disposition by Nebraska-Western Iowa regulated handlers.[2] Further, the regulated handler operating a distributing plant in Zone 2 indicated that he had an economically feasible choice of procuring milk priced under another Federal order in Minnesota instead of producer milk under this order.

In recognition of the economic conditions described, zone prices constitute an adjustment within the marketing area for the value of milk in Class I use in relation to the cost of alternative supplies. In the eastern portion of the marketing area (Zone 2) the value of milk for fluid use is influenced by the proximity of the area of lower priced alternate sources, primarily to the northeast, in Minnesota and northern Iowa. The influence of this alternative milk supply is reduced in the central and western portions of the marketing area by the cost of transportation. Further, in the central and western parts of the marketing area, utilization values are enhanced by the opportunity for dairy farmers to find outlets in nearby higher priced markets.

Thus, the size of the marketing area, about 500 miles from the eastern to the western end, in itself, creates a circumstance in which a zone price system is appropriate and useful in implementing the pricing principles described. Further, the geographic extent conceivably is the reason for proponent handlers' using multiple-plant operations to serve the marketing area, a fact which tends to counter one of their arguments for eliminating the zones. It was contended by proponents that new efficiencies greatly expand the practical area of an individual plant's distribution and thus, provide a reason for uniform charges for milk to handlers over a wider area. Nevertheless, presumably because of the extent of the area, each of the handlers requesting elimination of zone pricing maintains a distributing plant in both Zones 1 and 3, although the lower price applies in Zone 1.

The circumstance that several handlers extend routes, to some degree, beyond the zone in which their plants are located is not a basis per se for eliminating the zones as proponents would seem to argue by requesting that Class I prices be equalized where handlers compete.

Since nearly every handler will compete in some area with another handler, a criterion that requires equal pricing to competing handlers, irrespective of plant locations, would result in a diminution of returns to producers otherwise necessary to insure an adequate milk supply to all locations, or result in other price modifications unrelated to such supply function of order pricing. The mere existence of route competition by handlers at a particular point is not, therefore, a sufficient economic basis for equalizing the Class I prices charged to such competing handlers at the locations of their plants from which the route sales originate.

The basic economic reasons for zone pricing in this market, therefore, continue to exist, and the proposal to eliminate zone pricing is denied. Furthermore, there is no significant basis in this record for the proposed redefining of zones (consolidation of Zones 1 and 2, and rezoning of Hall County, Nebraska). The changes proposed would be inconsistent with the principles on which zone pricing is based as explained in the preceding findings and conclusions.

One of the changes proposed was to combine Zones 1 and 2 and equalize the price throughout the area at the Zone 1 Class I price level. This change, proponents allege, would eliminate a 10-cent per hundredweight advantage the Le Mars handler has at his Zone 2 plant

[2] Official notice is taken of official reports of market data published by the market administrator for these months.

in competing for fluid milk sales in the large consuming centers of Zone 1.

The handlers complaining of the 10 cent lower Class I price in Zone 2 have pool distributing plants located in the large cities in Zone 1. Plants there located handle two-thirds of the Class I milk disposed of under the order, serving a growing population that in Omaha and Lincoln, Nebraska, and Council Bluffs, Iowa, increased 14.7 percent from 1960 to 1970.[3]

It is to be expected that the large and expanding metropolitan areas in Zone 1 will be an attractive market for any handler having a plant within reasonable distance, whether or not such plant is located in the zone. For example, about 25 percent of the Le Mars handler's fluid milk sales are in Zone 1, although the preponderance of his sales are in the more sparsely populated areas in Zone 2 and outside the Nebraska-Western Iowa marketing area.

The complaint of handlers in Zone 1 cannot be sustained. Any reasonable estimate of the transportation cost from such handler's Le Mars plant to Omaha, about 120 miles, would exceed 10 cents. The 1.5 cents per 10 miles used for location adjustments of the Class I and uniform prices at plants outside the marketing area is generally recognized under order regulations as reasonable in relation to variable costs of hauling bulk milk in tank trucks. There was nothing definitive in the discussion of milk hauling costs on this record that would suggest that costs are less than such rate. This rate provides an indication of the influence of transportation on the relative costs of milk supplies from alternative sources to principal locations in the several zones. The 10-cent difference therefore cannot be regarded as disruptive either to handlers who have their plants located in the largest consuming centers or to producers whose milk is marketed through such plants.

The handler proposing that Hall County be shifted from Zone 3 to Zone 1 testified that about 40 percent of the milk sales from his Grand Island plant are in Zone 1, with distribution extending as far as Norfolk, Nebraska. He complained, in this respect, of competition with Zone 1 plants where the 15 cents lower Class I price applies. The nearest pool distributing plants in Zone 1 are located at Lincoln (including one operated by the proponent) and at Norfolk, Nebraska, 96 and 109 miles from Grand Island, respectively.

Another handler operating a pool distributing plant in Grand Island testified that if Hall County was shifted to Zone 1 he believed this would create a situation similar to what certain Zone 1 handlers complained of with respect to the Zone 2 handler; specifically, that Grand Island plants would have a lower zone Class I price than plants with which they compete located in Zone 3 at Hastings and North Platte, Nebraska. Although this handler, like the proponent, operates a plant in Grand Island, he indicated that presently there is no stress in the competitive situation with plants located in other zones.

The findings and conclusions herein, set forth the economic reasons for the higher value of producer milk delivered to plants in Hall County and other locations in Zone 3 as compared to prices in other zones. The proposal would change the relationship among plants in the eastern portion of Zone 3, located at Grand Island, Hastings, and North Platte, Nebraska, but proponent presented no economic reasons why the value of producer milk should differ among plants at these locations. The three plants serve the largest population centers in Zone 3: Grand Island, with a population (1970 U.S. Census) of 31,269, Hastings, 23,580, and North Platte, 19,447.

One of the aforementioned proponents suggested that the milk price to a handler be adjusted according to where he sells his milk.

An important aspect of this regulation is that handlers regulated under the order and similarly located are uniformly subject to the same minimum class prices on all their milk, irrespective of where their milk is sold. The uniformity of pricing among handlers is specifically prescribed by the Act and may be varied only to reflect "adjustments for (1) volume, market, and production differentials customarily applied by the handlers subject to such order, (2) the grade or quality of the milk purchased, and (3) the locations at which delivery of such milk, or any use classification thereof, is made to such handler."

Milk received from producers by a handler at a particular plant location will have the same characteristics of grade and quality and the same value, regardless of where it ultimately may be disposed of by the handler. The Act does not specify an adjustment of the nature suggested, and accordingly, further consideration of the proponent's suggested pricing scheme would serve no useful purpose.

In view of the foregoing considerations, it is concluded that the Class I price structure in the Nebraska-Western Iowa market, both as to average level and as adjusted by pricing zones, tend to stabilize conditions for the marketing of milk by dairy farmers by providing proper relationships on zone Class I prices to availability of milk from alternative sources and to prices producers could obtain in other markets.

5. *Miscellaneous.* In § 1065.73, *Payments to producers and to cooperative associations,* the term "partial payment" should be substituted for "advance paymount." This change actually was made in the order amending Order 65, effective February 1, 1973 (37 FR 28126). Because of a publication error, however, the revised terminology was not reflected in the order amending Order 65, effective August 1, 1974 (39 FR 16273). The change herein adopted will correct this matter.

[3] As established by the 1970 U.S. Census of Population data.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk,

and an order amending the order regulating the handling of milk in the Nebraska-Western Iowa marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

September 1974 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Nebraska-Western Iowa marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on: November 26, 1974.[1]

RICHARD L. FELTNER,
Assistant Secretary.

Order [2] Amending the Order, Regulating the Handling of Milk in the Nebraska-Western Iowa Marketing Area

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nebraska-Western Iowa marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to Section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Nebraska-Western Iowa marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Administrator, Regulatory Programs, on October 24, 1974, and published in the FEDERAL REGISTER on October 30, 1974 (39 FR 38233) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein:

1. In § 1065.7, the introductory text and paragraph (a) are revised as follows:

§ 1065.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) A distributing plant from which is:

(1) Route disposition (except filled milk) in the marketing area during the month equal to not less than 15 percent of the Grade A milk received at such plant from dairy farmers, supply plants (exclusive of plans qualifying as pool plants pursuant to this paragraph), and handlers described in § 1065.9(c); and

(2) Total route disposition (except filled milk) during the month or the immediately preceding month equal to not less than 35 percent of the Grade A milk received at the plant during such month from the sources specified in paragraph (a)(1) of this section.

* * * * *

§ 1065.73 [Amended]

2. In § 1065.73, Payments to producers and to cooperative associations, the term "advance payment" in paragraph (b)(2) is changed to "partial payment."

3. In § 1065.73, a new paragraph (d–1) is added to read as follows:

§ 1065.73 Payments to producers and to cooperative associations.

* * * * *

(d–1) To a cooperative association for fluid milk products received from a pool plant operated by the cooperative association as follows:

(1) On or before the 26th day of the month, for fluid milk products received during the first 15 days of the month not less than the value of the Class III price for the preceding month, adjusted by the butterfat differential pursuant to § 1065.74 for the preceding month; and

(2) On or before the 14th day after the end of each month for fluid milk products received during the month not less than the value at the class prices pursuant to § 1065.50, adjusted for the location of the transferee plant and by the butterfat differential pursuant to § 1065.74, less payment made pursuant to paragraph (d–1)(1) of this section.

* * * * *

[FR Doc.74–28083 Filed 11–29–74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS AND POLICIES

PART 1408—SETOFF, WITHHOLDING AND STOP PAYMENT POLICIES OF COMMODITY CREDIT CORPORATION

A proposal was published at 39 FR 33004 to revise Part 1408 of the regulations of the Commodity Credit Corporation to eliminate the monetary limitation and grouping requirement on setoff of carrier debts.

Interested persons were given the opportunity to participate in the rule making through submission of comments, suggestions or objections. No submissions have been received and the revision as so proposed is hereby adopted without change and is set forth below.

GENERAL

Sec.
1408.1 Purpose.
1408.2 Definitions.
1408.3 Applicability of regulations of the Secretary of Agriculture, Part 13, Title 7, Code of Federal Regulations.

DEBTS DUE CCC

1408.4 Setoff.
1408.5 Withholding.
1408.6 Stop payment.

SETOFF POLICY APPLICABLE TO OTHER AGENCIES OF THE UNITED STATES

1408.7 Debts due ASCS, AMS, or FNS.
1408.8 Debts due other agencies.
1408.9 Requests for setoff against amounts payable to debtors by CCC.

MISCELLANEOUS

1408.10 Notice to debtor.
1408.11 Conditions under which setoff, withholding, or stop payment actions will not be taken.
1408.12 Order of priority of setoffs.
1408.13 Rights of debtors.
1408.14 Assignments.
1408.15 Interest.

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[1] Agreement filed as part of the original.

[2] This order shall not become effective unless and until the requirements of § 900.14 of the rules and practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Sec.

1408.16 Debtors operating under more than one name.
1408.17 Responsibility of agents of or contractors with CCC.
1408.18 Administration.

AUTHORITY: Sec. 4(d), 62 Stat. 1071 (15 U.S.C. 714b).

GENERAL

§ 1408.1 Purpose.

This part states the policies of CCC and the conditions under which (a) debts owing to CCC will be set off against amounts payable to debtors by CCC, (b) requests will be made by CCC to other agencies of the United States for setoff against amounts payable by them to such debtors, and (c) debts owing to other agencies of the United States may be set off against amounts payable to debtors by CCC. This part also states the policies and the conditions under which actions will be taken to withhold or stop payments of amounts due debtors by CCC. The provisions of this part shall not apply to the collection of amounts due CCC under a contract by deduction from amounts otherwise payable under the same contract, since the collection of amounts due CCC in such cases is necessary to determine the amount properly payable under the contract.

§ 1408.2 Definitions.

(a) The term "setoff" means the application of a specified amount from amounts payable to a debtor as liquidation, in whole or in part, of an amount owed by the debtor.

(b) The term "withholding" means the taking of action temporarily to prevent the payment of a specified amount from amounts payable to a debtor.

(c) The term "stop payment" means the taking of action temporarily to prevent the payment of all amounts payable to a debtor under one or more contracts.

(d) The term "CCC" means the Commodity Credit Corporation.

(e) The term "ASCS" means the Agricultural Stabilization and Conservation Service of the Department of Agriculture.

(f) The term "AMS" means the Agricultural Marketing Service of the Department of Agriculture.

(g) The term "FNS" means the Food and Nutrition Service of the Department of Agriculture.

(h) The term "other agencies" includes any department, establishment, commission, administration, authority, board, bureau, or service of the United States, or any corporation other than CCC all of the capital stock of which is owned by the United States.

(i) The term "Executive Vice President" means the Executive Vice President of CCC.

§ 1408.3 Applicability of regulations of the Secretary of Agriculture, Part 13, Title 7, Code of Federal Regulations.

The provisions of this part are not applicable to withholding or setoff action taken against amounts approved by Agricultural Stabilization and Conservation county committees for disbursement to persons under programs administered by the Department of Agriculture, or any agency thereof. The regulations governing such administrative action are contained in Part 13 of this Title 7, Code of Federal Regulations.

DEBITS DUE CCC

§ 1408.4 Setoff.

(a) If in the case of any procurement contract with CCC which provides for invoicing upon shipment from point(s) of shipment with delivery to be made at designated destination point(s) (1) payment is made to the Contractor prior to receipt of evidence of delivery, and (2) CCC thereafter determines that the Contractor is indebted to CCC because of losses sustained due to damage or deterioration of the commodity while in transit and prior to delivery, CCC may set off such indebtedness against amounts due and payable to the Contractor under any other contract with CCC if the proceeds thereunder have not been assigned by the Contractor.

(b) In all other cases, debts due CCC shall be set off, in whole or in part, against amounts payable to debtors by CCC, where the following conditions apply:

(1) The debtor has been given a reasonable opportunity to pay.

(2) The debtor has been notified that the debt will be collected by setoff.

(3) There is no legal bar to enforcement of the debt.

(4) The debtor has not disputed the validity or the amount of the debt or, if disputed, there is no reasonable basis to support the debtor's position or both of the following conditions apply:

(i) Compromise settlement cannot be effected and referral of the debt for legal action is not considered feasible because the amount of the debt is too small to warrant litigation, or there is good reason to believe the debtor may be unable financially to satisfy a judgment by the time the courts would render a decision, and there are no issues involved requiring court adjudication in the interest of program operations.

(ii) The setoff has been approved by an authorized claims official of CCC.

(c) A judgment in favor of CCC, or in favor of the United States on a claim of CCC, shall be set off against amounts payable to a debtor by CCC but, prior to taking such action, the approval of the Department of Justice (U.S. Attorney) shall be obtained.

(d) A debt due under the Civil Frauds Statute, section 231 of Title 31, United States Code, shall be set off against amounts payable to the debtor by CCC, if the Department of Justice has authorized setoff.

(e) Debts due CCC from rail carriers for overcharges or for loss or damage shall be set off against amounts due such carriers under freight bills involving shipments on commercial bills of lading, in the following cases:

(1) Any overcharge debt if:

(i) The carrier, without reasonable justification, has declined payment of the debt or has failed to pay the debt after being given a reasonable opportunity, and

(ii) The period of limitation prescribed in section 16(3)(1), Title 49, United States Code, has not expired.

(2) Any loss or damage debt if:

(i) Demand for payment was made on the carrier within the period of time specified in the bill of lading.

(ii) The carrier has declined payment of the debt without reasonable justification.

(iii) The period of limitations prescribe in the bill of lading has not expired.

(3) Any overcharge or loss or damage debt due CCC on which the applicable period of limitation has run may be set off against any amounts owing by CCC to the carrier which are subject to a defense of limitation.

(f) If a CCC debt which is subject to collection by setoff under this part cannot be so collected because of insufficient amounts payable to debtor by CCC, CCC shall request another agency of the United States to set off the debt against amounts payable to the debtor in any case where CCC has information that amounts are payable to the debtor by that agency.

§ 1408.5 Withholding.

Withholding shall be made from amounts payable to a debtor by CCC, to insure that the interests of CCC and the United States will be protected, in the following cases:

(a) Where there has been a serious breach of contract or violation of program requirements and the withholding action is considered necessary to protect the financial interests of CCC.

(b) Where there is substantial evidence of violations of criminal or civil frauds statutes and criminal prosecution or civil frauds action is of primary importance to program operations of CCC.

(c) Where prior experience with the debtor indicates that collection will be difficult if amounts payable to the debtor are not withheld.

(d) Where there is doubt that the debtor will be financially able to pay a judgment on the claim of CCC.

(e) When a judgment on a claim of CCC has been obtained.

(f) Where requested by the Department of Justice.

§ 1408.6 Stop payment.

Stop payment shall be made of all amounts payable to a debtor by CCC in any of the cases described in § 1408.5 where the facts available are insufficient to determine the amount to be withheld or where it is determined that the circumstances with respect to the debtor's acts are sufficiently serious that all payments to the debtor should be stopped immediately in order to protect the interests of the United States.

SETOFF POLICY APPLICABLE TO OTHER AGENCIES OF THE UNITED STATES

§ 1408.7 Debts due ASCS, AMS, or FNS.

Debts due the United States under ASCS, AMS, or FNS programs shall be set off against amounts payable to debtors by CCC in cash. In affecting such setoffs, the provisions set forth in this part with respect to the collection by setoff of debts due CCC shall be followed.

§ 1408.8 Debts due other agencies.

Debts due any other agency shall be set off against amounts payable to debtors by CCC in the following cases:

(a) The agency, the Department of Justice, or the General Accounting Office, submits a request in writing and furnishes information identifying payments to be made by CCC to the debtor: *Provided*, That, if the debt is due a corporate agency and has not been reduced to judgment, such agency must agree to save CCC harmless from liability.

(b) The Internal Revenue Service has filed a notice of lien in accordance with the Internal Revenue Code and has requested setoff, or has served a notice of levy in accordance with section 6331 of the Internal Revenue Code, Title 26 of the United States Code, against money payable to the debtor.

§ 1408.9 Requests for setoff against amounts payable to debtors by CCC.

(a) Indebtedness to CCC, ASCS, AMS, and FNS shall be set off in accordance with instructions issued by ASCS, without a request for setoff having been made to the appropriate ASCS commodity or State office.

(b) Setoffs to recover indebtedness to agencies other than those described in paragraph (a) of this section shall be made only upon filing of a request or notice of levy in accordance with § 1408.8 which shall be mailed or delivered to the appropriate ASCS commodity or State Office, and shall comply with the following:

(1) In addition to the requirements prescribed in § 1408.8, each request for setoff and notice of levy shall be signed by an authorized representative of the creditor agency.

(2) Each request or notice of levy shall state the amount of the indebtedness separately as to principal and interest, and interest (if any) shall be computed to a date shown in the request. If the creditor agency desires that additional interest be computed on the principal, a daily or monthly interest factor per dollar of principal shall be shown in the request. The amount to be set off shall not exceed the principal sum owed by the debtor plus interest computed in accordance with the request.

(3) Each request shall also state the name and address of the debtor and a brief description of the indebtedness, including identification of the court judgment, if any.

(4) If a notice of lien has been filed in accordance with the provisions of the Internal Revenue Code, section 6323 of Title 26, United States Code, the request or notice of levy shall also state the place and date of filing such notice of lien.

MISCELLANEOUS

§ 1408.10 Notice to debtor.

The debtor shall be notified whenever any setoff, withholding or stop payment action has been taken.

§ 1408.11 Conditions under which setoff, withholding, or stop payment actions will not be taken.

Setoff, withholding or stop payment actions will not be taken in the following cases:

(a) Where legal action to enforce the debt due CCC has been bared by a statutory or contract period of limitation, except as provided in § 1408.4(d)(4).

(b) Where collection of a debt has been barred by a discharge in bankruptcy and the debt has not been revived by an action of the debtor.

(c) Where payments against which the setoff would be made are due under freight bills involving shipments on commercial bills of lading, except as provided in paragraph (d) of § 1408.4.

(d) Where the amount payable to the debtor is to be used to satisfy a prior lien on property pledged or mortgaged to secure a CCC loan or sold to CCC. However, any amount exceeding the amount of the prior lien shall be available for withholding or setoff.

(e) Except as provided in § 1408.14, where the amount payable to the debtor is to be used to make payments under an assignment accepted pursuant to contract provisions or program regulations.

(f) When such action will unduly interfere with program operations.

(g) If the debt is in an amount of $3.00 or less.

§ 1408.12 Order of priority of setoffs.

(a) Debts shall be collected by setoff in the following order of priority:

(1) Debts to CCC.

(2) Debts to ASCS, AMS, and FNS.

(3) Debts to other agencies of the Department of Agriculture.

(4) Debts to the Internal Revenue Service.

(5) Debts to other agencies.

(b) Within each priority grouping in paragraph (a) of this section, the order of setoff shall be the chronological order of the dates the requests for setoff were received.

§ 1408.13 Rights of debtors.

Setoffs made pursuant to this part shall not deprive a debtor of any right he might otherwise have to contest the justness of the debt involved in the setoff action either by administrative appeal or by legal action except where the setoff is agreed to by the debtor.

§ 1408.14 Assignments.

(a) Notwithtstanding any assignment of amounts payable under a CCC contract, CCC may set off against such amounts to collect:

(1) Any amounts due CCC under the provisions of the contract.

(2) Any amounts for which a contractor is indebted to the United States for taxes, with respect to which a notice of lien was filed or a Notice of Levy was served in accordance with the provisions of the Internal Revenue Code of 1954 (26 U.S.C. 6323; 6331) or any amendments or modifications thereof, prior to acknowledgment by CCC of receipt of the notice of assignment.

(3) Any amounts, other than amounts specified in paragraphs (a) (1) and (2) of this section, due CCC or any other agency of the United States, if CCC notified the assignee of such amounts to be set off at the time acknowledgment was made of receipt of notice of such assignment.

(b) Any indebtedness of a contractor to any agency of the United States which may not be set off pursuant to paragraph (a) of this section, may be set off against any amount due and payable under the contract which remains after deduction of amounts (including interest and other charges) owing by the contractor to the assignee for which the assignment was made.

(c) Notwithstanding any assignment of amounts payable under a CCC contract, CCC may withhold or stop payment of any such amounts in any instance where such action is deemed necessary to protect the interests of the United States as provided in §§ 1408.5 and 1408.6, pending a determination of possible setoff action under this part.

§ 1408.15 Interest.

Interest shall not be paid on delayed payments unless required by contract or in special circumstances as may be determined by the Executive Vice President, or his designee.

§ 1408.16 Debtors operating under more than one name.

Any action authorized by the provisions of this part may be taken against amounts payable to a debtor who operates businesses under more than one name, provided there is identical ownership.

§ 1408.17 Responsibility of agents of or contractors with CCC.

Agents of or contractors with CCC shall carry out the policies stated in this part, if the contract entered into with CCC provides that they shall do so. In carrying out these policies such agents or contractors shall follow the requirements and conditions set forth in this part.

§ 1408.18 Administration.

The policies set forth in this part shall be carried out through the appropriate divisions and offices of ASCS.

Effective date. December 2, 1974.

Signed at Washington, D.C., on November 22, 1974.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.74-28085 Filed 11-29-74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATION

[FmHA Instruction 471.1]

PART 1873—CERTIFICATE OF BENEFICIAL OWNERSHIP AND INSURED NOTES

Certificate of Beneficial Ownership in Farmers Home Administration Loans

Section 1873.3 of Subpart A, of Part 1873, Title 7, Code of Federal Regulations (39 FR 3948) is amended to remove the requirement to announce the terms of sales made by the National Finance Office in the FEDERAL REGISTER and provide for the approval by the Deputy Administrator Comptroller or his designee, of sales in excess of $1 million.

In accordance with 5 U.S.C. 553(b)(A) and (B) notice of proposed rulemaking is not being published. Such notice is unnecessary since the amendment is a change in internal agency procedure and terms will be available on request from the Finance Office.

As amended, § 1873.3 will read as follows:

§ 1873.3 Certificates of beneficial ownership.

(a) *Sale of certificates.* Certificates will be offered for sale from time to time by FmHA. Such sales will be made on such terms and conditions as FmHA may deem appropriate. Sales made by the Finance Office shall be made by the Director, Finance Office. No sale in excess of $1 million will be made to any one investor without prior approval of the Deputy Administrator Comptroller or his designee. The terms of and limitations of sales are subject to change from time to time, and may be obtained from the Finance Office.

(b) *Form of certificates.* The certificates may be interest-bearing or non-interest-bearing. The certificates may be made payable to the bearer or registered holder thereof, and will be negotiable. The certificates will be issued in denominations specified in the invitations for bid or other announcement of sale.

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

Effective date. This amendment shall be effective on December 2, 1974.

Dated: November 22, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-28144 Filed 11-29-74;8:45 am]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 23—STATEMENTS OF BUSINESS INTERESTS OF DIRECTORS AND PRINCIPAL OFFICERS OF NATIONAL BANKS

Statement of Business Interests

The Comptroller of the Currency published in the FEDERAL REGISTER, (39 FR 22150, June 20, 1974), a proposed regulation requiring bank directors and principal officers to file a statement of their outside business interests. After consideration of documentary submissions received in response to an invitation for comment and after independent analysis the Comptroller has determined to adopt a revised version of the proposed regulation. The comments received and the final regulation are discussed as follows: The general nature of the regulation; who must file a statement of outside business interests; who is entitled to review these statements; the types of outside business interests which must be reported; and the transactions to be reported between the bank and the outside business interests.

A. General. A national bank is permitted by law to make loans to or engage in other transactions with its own officers and directors and their outside business interests. Some of these self-dealing transactions are recognized and specifically regulated by statute. See, e.g., 12 U.S.C. 371c and 375a. Other self-dealing transactions are unregulated except to the extent the same transaction with an independent third party would be governed by applicable banking laws. Thus transactions between a national bank and the outside business interests of its officers and directors are neither unlawful nor inherently unsound.

The Comptroller's Office has found, however, that inadequate monitoring of these self-dealing transactions frequently results in unsafe and unsound banking practices. This regulation thus is designed to establish an informational base upon which management and the Comptroller's Office may assess more accurately the extent and manner by which a national bank may be engaging in such transactions with its own directors and principal officers or their business interests. National bank examiners will be assisted in their examination procedures by having available an up-to-date identification of the enterprises in which bank directors and principal officers have an interest. Additionally, the Comptroller believes that national bank directors will be able better to discharge their responsibilities when the directors are advised fully of potential conflict of interest situations existing in a national bank.

The comments received from national banks overwhelmingly supported the thrust of this regulation. Several banks submitted outlines of programs they now use for internal reporting by their directors and officers of outside business interests. In addition to generally supporting the regulations, many banks submitted detailed comments suggesting changes in the proposed regulation, and these comments were most helpful in arriving at the revisions discussed below.

One bank suggested that the Comptroller lacked authority to issue this regulation. Section 161 of Title 12, United States Code, empowers the Comptroller to call for special reports from any national bank whenever in his judgment such reports are necessary for his use in the performance of his supervisory duties. These special reports need contain only such information as is specified by the Comptroller, and publication of such reports need be made only if directed by the Comptroller. Section 481 of Title 12, United States Code, empowers a national bank examiner to make thorough examinations of all the affairs of a national bank and of any of the bank's affiliates, and in so doing to examine under oath any officer or agent of the bank or of its affiliates. Section 1818(b) of Title 12, United States Code, permits the Comptroller of the Currency to issue cease and desist orders against unsafe or unsound banking practices or violations of law by a national bank. Section 1820(c) of Title 12, United States Code, gives the Comptroller or his designated representative the power to examine any person under oath as to any matter in respect of the affairs or ownership of any national bank or affiliate thereof. These statutes provide ample authority for this regulation.

The final regulation differs little in overall structure from the proposed one. A number of detailed changes have been made, however, and they are discussed below. The effective date has been changed from January 1, 1975, to March 1, 1975. Additionally, the comments received indicated the great difficulty involved in attempting to write a regulation as complex as this one in a manner which could be applied uniformly in a sensible fashion to each of more than 4,600 national banks, regardless of size, circumstances, or existing reporting procedures. The final regulation thus contains (§ 23.6(b)) an explicit reservation to the Comptroller of the power to modify the applicability of this regulation because of a bank's particular circumstances.

B. Who Must File a Statement of Interest. Several comments were received concerning which officers of a particular bank might or might not be a "principal officer" and thus required to file a Statement of Interest under the proposed regulation. These comments simply raised an inherent question concerning the effect of the regulation on a particular bank involved. For example, in certain banks, particularly those with officers bearing titles such as Executive Vice President, Senior Vice President, or First Vice President, some or all Vice Presidents may not participate in major policy-making functions and thus would not be "principal officers" within the meaning of § 23.2(j). These questions—like the similar question of whether a particular officer is an "executive officer" under 12 U.S.C. 375a and 12 CFR 215.2(b) will have to be resolved by each bank on an individual basis, subject to such review as the Comptroller undertakes in the course of normal examination procedures or otherwise. Thus the definition of "principal officer" is substantially unchanged from that appearing in the proposed regulation. Section 23.3 has been changed to require a director or principal officer who has no reportable interest in a business enterprise to file a form so stating.

C. Who May Review Statements of Interest. The Comptroller received several comments advocating both contraction and expansion of the group entitled

to review statements. Some urged that access be restricted to principal officers and other lending officers who are involved directly with reported transactions. Others argued that bank shareholders or members of the public also be allowed to review statements.

The reports required by this regulation are intended essentially as an examination tool. The bank examination process is by statute a confidential one. The principles of public disclosure which underlie such statutes as the securities laws have not been made applicable to the bank examination process. Thus, the final regulation—like the proposed one—does not require that Statements of Interest on file with the bank be made available either to shareholders or to the public.

In response to a number of the comments received, § 23.1(b) has been rewritten to delineate more precisely the persons associated with the bank who are entitled to review Statements of Interest. The regulation intends that the senior lending officers of a bank be able to review all statements on file with the bank, whether or not any loans are made to the business enterprises listed on those forms, so that the lending officers will not be dependent upon applicants for a loan to reveal the existence of a potential conflict of interest.

D. Reportable Interest in a Business Enterprise. In response to comments, the definition of "interest" and of "business enterprise" both have been revised.

"Interest" is now expressed in terms of 10 percent ownership, rather than the five percent ownership standard of the proposed regulation. The 10 percent standard conforms more nearly to the corresponding definition in the securities laws—although the Comptroller has not followed the suggestions that he adopt in toto the definition of control found in the securities laws. Additionally, an ownership interest of less than 10 percent ownership of a business enterprise would be required by the definition in § 23.2(g)(4) to be reported if that interest resulted in or was coupled with the power to direct the management or policies of the enterprise. Finally, a modification has been made in the amount of indebtedness which would constitute an "interest" when owed by a business enterprise to the reporting officer or director. Under § 23.2(g)(2)(ii) the amount of such indebtedness must equal or exceed $100,000 or five percent of the enterprise's outstanding debt, whichever is larger.

The term "business enterprise" has been redefined to eliminate possible confusion as to the status of a nonbusiness trust. Interests in a business trust, like that in all other forms of business enterprises, are to be reported, whether or not such enterprises have transactions with the bank. The Comptroller has rejected suggestions that business enterprises be reported only if they had borrowed money or engaged in other transactions with the bank. National Bank examiners will be better able to detect self-dealing transactions in the national banking system if they have available a list of all of a reporting person's outside business interests, and not just those that happen to be borrowing from or engaging in other transactions with a particular bank. Similarly bank management should have a way of identifying a reporting person's outside business interest without relying on disclosure of that interest during the course of some bank transaction. As to nonprofit trusts, organizations or associations, however, the Comptroller has determined an interest in such organizations should be reported if, and only if, such a nonprofit enterprise has engaged during the last year in any transaction with the bank, other than soliciting or receiving contributions. Section 23.2(b) also has been changed to include a governmental agency or organization. Additionally, the Comptroller has accepted the suggestion that "business enterprise" be defined for purposes of this reporting regulation to exclude corporations, companies, partnerships or joint ventures, 50 percent or more owned by the bank, and to exclude a holding company or subsidiary thereof whose affiliation with the bank is registered with or approved by the Board of Governors of the Federal Reserve System.

E. Reportable Transactions Between a Bank and a Business Enterprise. The proposed regulation, including the reporting form and accompanying instructions, required reporting of three different types of transactions—extensions of credit, deposits, and agreements. This reporting requirement has been clarified by adding to the regulation definitions of the terms "deposit" and "agreement."

Many comments were received about the potential burdensomeness of requiring detailed reporting on changes in these relationships between a bank and a reporting person's business enterprise. Strong criticism was directed at the requirement of the proposed regulation that a change of 25 percent or more in a deposit relationship be reported. The 25 percent provision has been dropped altogether from the final regulation. The final regulation requires a new Statement of Interest to be filed within 30 days after the occurrence of one of three events: (a) The acquisition or termination by a reporting person of an interest in a business enterprise; (b) the creation or termination of an extension of credit, deposit, or agreement between the bank and the business enterprise of a reporting person; and (c) a significant change in the terms or conditions of a previously reported extension of credit, deposit, or agreement. When a reporting person's business enterprise has a relationship with the bank which is expected to fluctuate, such as a revolving line of credit or a payroll deposit account, that relationship should be described in general terms, with an expected dollar range for the fluctuations, on the initial statement of interest filed by the reporting person. A new Statement of Interest would be required only if the terms or conditions of this relationship changed significantly or if there was a significant variation from the expected dollar range.

In response to several thoughtful comments, a new § 23.2(e) has been added which excludes from the reporting requirements two types of transactions between a bank and a reporting person's business enterprise. First is a transaction which is of such insignificance both to the bank and to the business enterprise that the senior management of both should not be expected in the normal course of business to be aware of the transaction. An example would be an overseas branch of a bank ordering heating oil for its building from the overseas subsidiary of an oil company which had a common director with the bank. Second is a purchase or sale of any unrestricted security at arm's length through regular securities market channels by the bank acting solely in a fiduciary or representative capacity. This exclusion is intended to avoid reports on numerous transactions in which the bank's interest is minor, the marketplace in which the transaction occurs already may be heavily regulated, and the transactions routinely would be scrutinized by the Comptroller's trust examiners.

In reporting on transactions between the bank and his business enterprises a reporting person who is without actual knowledge of the transaction and who is acting in good faith may rely on information provided him by the bank and the business enterprise concerning these transactions, provided that he has made proper inquiry both of the bank and of the business enterprise concerning the existence and relevant details of these transactions.

Chapter I of Title 12 of the Code of Federal Regulations is amended by adding a new Part 23 which reads as follows:

PART 23—STATEMENTS OF BUSINESS INTEREST OF DIRECTORS AND PRINCIPAL OFFICERS OF NATIONAL BANKS

Sec.

23.1 Authority and scope.
23.2 Definitions.
23.3 Filing of statement.
23.4 Annual review.
23.5 Location and retention of statements.
23.6 Reservation to Comptroller.

AUTHORITY: 12 U.S.C. 161, 481, 1818, 1820.

23.1 Authority and scope.

(a) This part is issued by the Comptroller of the Currency pursuant to sections 161, 481, 1818, and 1820 of Title 12 of the United States Code. This part requires the filing of a Statement of Interest, Form CC–9030–29, by directors and principal officers of national banks. An initial statement must be filed by January 31, 1975, or within 30 days after attaining the position of director or principal officer of a national bank, whichever is later.

(b) Each completed Form CC–9030–29 is to be kept at the main office of the designated bank for review by national bank examiners and by the following persons associated with the designated bank: directors; senior loan officers; and auditors or attorneys whose responsibilities require access to such statements.

23.2 Definitions.

For purposes of this part:

(a) The term "agreement" means a contract, lease, or other agreement or understanding—other than an extension of credit or deposit—pursuant to which the designated bank receives or provides any tangible or intangible goods, property, or service from or to a business enterprise in which the reporting officer or director has an interest.

(b) The term "business enterprise" means a corporation, association, business trust, partnership, joint venture, pool, synidcate, sole proprietorship or any other form of business not specifically listed herein, whether or not such enterprise has engaged in transactions with the designated bank. The term "business enterprise" also includes any personal or family trust and any charitable, social, fraternal, civic, governmental or recreational association, trust, club, agency or other organization if, and only if, such enterprise has engaged in any transaction with the designated bank, other than soliciting or receiving contributions, during the last year. The term "business enterprise" excludes: (i) The designated bank; (ii) a corporation, partnership, or joint venture which is 50 percent or more owned by the designated bank; and (iii) a holding company whose control of the designated bank is registered with or approved by the Board of Governors of the Federal Reserve System, pursuant to sections 3 or 5 of the Bank Holding Company Act, 12 U.S.C. 1842 or 1844, or any of such holding company's subsidiaries the control of which has been registered with or approved by the Board of Governors of the Federal Reserve System pursuant to section 3, 4, or 5 of the Bank Holding Company Act, 12 U.S.C. 1842, 1843, or 1844.

(c) The term "deposit" means an unpaid balance of money or its equivalent received or held by the designated bank in the usual course of business and for which it has given or is obliged to give credit, either conditionally or unconditionally, to a commercial, checking, or savings account, or which is evidenced by a certificate of deposit.

(d) The term "designated bank" means the particular national bank of which a person required by this part to file a Statement of Interest is a director or principal officer.

(e) The term "excluded transaction" means:

(1) The purchase or sale of any unrestricted security at arm's length through regular securities market channels by the designated bank acting solely in a fiduciary or representative capacity.

(2) An extension of credit, deposit, or agreement which is of such insignificance both to the designated bank and to the business enterprise involved that the senior management of both should not be expected in the normal course of business to be aware of the transaction.

(f) The term "extension of credit" means the making of a loan or the extending of credit in any manner whatsoever by the designated bank to, or for the account or benefit of, or with direct or contingent recourse to the reporting person or his business enterprise, and shall include (without limitation):

(1) A loan.

(2) Any advance by means of an overdraft, cash item or otherwise.

(3) The acquisition by discount, purchase, exchange or otherwise of any note, draft, bill of exchange or other evidence of indebtedness.

(4) An acceptance.

(5) A letter of credit.

(6) Any purchase of securities, accounts receivable or other chose in action under a repurchase agreement.

(g) The term "interest" with regard to a business enterprise means:

(1) Ownership, whether legal, equitable or otherwise, of stock or other forms of legal or equitable participation in the enterprise by the reporting person and/or his spouse or minor children which, when aggregated, equals or exceeds either 10 percent of the enterprise's total outstanding indicia of ownership, or, in the case of stock, 10 percent of the total outstanding shares of any class of stock;

(2) Indebtedness (aggregated among the reporting person and his spouse and minor children):

(i) equal to or exceeding $100,000 owed to the enterprise; or

(ii) equal to or exceeding $100,000 or five percent of the enterprise's outstanding debt, whichever is larger, owed from the enterprise;

(3) The holding by the reporting person or his spouse or minor child of a position in the enterprise; or

(4) The possession, directly or indirectly, by the reporting person of the power to direct or cause the direction of the management or policies of the enterprise, whether through the ownership of securities, by contract, by intercompany relationships, or otherwise.

(h) The term "material change" means:

(1) The acquisition or termination of an interest in a business enterprise.

(2) The creation, or termination, or significant change in the terms or conditions of any extension of credit deposit, or agreement between the designated bank and a business enterprise in which the reporting person has an interest.

(i) The term "position" with regard to a business enterprise means an officer, director, trustee or partner. The term also includes an employee, beneficiary, participant, or associate with managerial or policy-making responsibilities, or any similar office regardless of title.

(j) The term "principal officer" with regard to a national bank means a person who participates in major policy-making functions of the bank, and usually includes the chairman of the board of directors, president, cashier, treasurer, secretary, controller, and vice president, or anyone exercising the functions normally associated with those positions.

(k) The term "reporting person" means a director or principal officer of a national bank who is required by this part to file a Form CC–9030–29.

23.3 Filing of statement.

Every director or principal officer of a national bank is required to maintain on file with the bank as prescribed in this Regulation one or more Forms CC–9030–29. The director or principal officer shall complete and file Forms CC–9030–29 with the designated bank within 30 days after becoming a director or principal officer, or by March 1, 1975, whichever is later. Thereafter, the reporting person shall complete and file with the designated bank a new Form CC–9030–29 within 30 days after the occurrence of any material change. The reporting person shall include on the Forms, in accordance with applicable instructions, the required information concerning any business enterprise in which he, his spouse, or his minor children have an interest and any extension of credit to, deposit by, or agreement with that enterprise which is not an excluded transaction. If the reporting person has no interest in a business enterprise, he shall complete and file a Form CC–9030–29 so stating.

23.4 Annual review.

Every reporting person shall review annually during January each Form CC–9030–29 he has on file with the bank to determine if these forms accurately reflect his current status. If his current status is not reflected accurately, he forthwith shall prepare and file with the bank new and correct Forms CC–9030–29.

23.5 Location, review and retention of statements.

(a) All Forms CC–9030–29 shall be maintained at the head office of the bank during the tenure of the reporting person as an official of the bank. Forms CC–9030–29 which have been superseded by a new or corrected Form shall be retained together with the new Form for a period of two years.

(b) Nothing contained in this regulation shall be construed: (i) To prevent a national bank from adopting reasonable procedures governing the manner in which persons associated with the bank and entitled under this regulation to review Forms CC–9030–29 shall obtain access to such Forms; or (ii) to require a national bank to make a Form CC–9030–29 available for review other than as required by this regulation.

(c) If any director or principal officer of a designated national bank ceases to serve in that capacity, the bank nevertheless shall retain for a period of two years or until all extensions of credit listed thereon have been paid, whichever is later, any Form CC–9030–29 completed and filed by such officer or director before he ceased to serve in that capacity.

§ 23.6 Reservation to Comptroller.

The Comptroller may, in his sole discretion:

(a) Require under relevant statutes such additional reports or information as he deems necessary.

(b) Give prior written approval to the request of a national bank to modify the applicability of this part to that bank

because of that bank's particular circumstances.

Effective date: This part becomes effective on March 1, 1975.[1]

Dated: November 21, 1974.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74-27976 Filed 11-29-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-WE-44-AD; Amdt. 39-2032]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 188A/188C Airplanes

There have been cracked and failed horizontal stabilizer front spar upper caps that could result in complete front spar failure. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require initial and repeat inspections of the front spar upper cap at F.S. 1167 along with the crack preventive rework on Lockheed Model L-188 airplanes. Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exist for making this amendment effective after publication in the FEDERAL REGISTER, as indicated.

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

LOCKHEED. Applies to all Lockheed model L-188A and L-188C airplanes certificated in all categories

Compliance is required as indicated.

To prevent possible failure of the horizontal stabilizer due to fatigue cracks in the front spar at F.S. 1167, accomplish the following:

(a) Within 300 additional flight hours after the effective date of this A.D., unless already accomplished within the last 2200 flight hours prior to this A.D., and at intervals not to exceed 2500 flight hours thereafter perform a visual or eddy current inspection with dye penetrant confirmation of the front spar upper cap bolt hole at B.L. 28 L&R as depicted in Lockheed Service Bulletin No. 88/SB 692 dated October 30, 1974, by figure 1, view A-A. Perform this inspection per the accomplishment instructions in S.B. 88/SB 692 dated October 30, 1974, or later FAA-approved revisions.

(1) If crack development is noted and the crack can be removed with a .50-inch maximum diameter clean up concentric with the bolt hole, accomplish the repair instruction of paragraph 2.E (1) of Service Bulletin 692.

(2) If crack development is noted and the crack can be removed with a .84 inch maximum diameter clean up concentric with the bolt hole, accomplish the repair instruction of paragraph 2.E (2) of Service Bulletin 692.

(3) Any crack development in the P/N 800344-1 spar cap, which exceeds the limitations of the .84 inch maximum diameter clean up requires the replacement of the spar cap segment per accomplishment instructions of paragraph 2.E(3) of Service Bulletin 692.

(4) If the inspections reveal no crack development, repeat the inspection thereafter at intervals not to exceed 2500 flight hours, unless the preventive rework specified in paragraph 2D of Service Bulletin 692 is accomplished.

(5) If the repairs or preventive rework listed in items 1 thru 4 are accomplished the repeat inspections at 2500 flight hours may be discontinued.

(b) Equivalent inspections and installations may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Aircraft may be operated per FARs 21.197 and 21.199 to a base for accomplishment of maintenance per this A.D.

This amendment is effective January 3, 1975.

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

Issued in Los Angeles, California on November 20, 1974.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.74-27970 Filed 11-29-74;8:45 am]

[Docket No. 74-NE-48; Amdt. 39-2030]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S-61L, S-61N, S-61NM and S-61R Helicopters Certificated in All Categories Including Military Type CH-3C Helicopters

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on November 6, 1974 and made effective immediately as to all known operators of Sikorsky S-61L, S-61N, S-61NM and S-61R helicopters. The directive imposes a reduction in the maximum never exceed speed for S-61 helicopters equipped with certain main rotor blades, and supersedes the telegraphic airworthiness directive, dated October 8, 1974, on the same subject by expanding the applicability of that directive to include additional main rotor blades.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest, and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Sikorsky S-61 helicopters by individual telegrams dated November 6, 1974. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations.

SIKORSKY. Applies to S-61L, S-61N, S-61NM and S-61R helicopters certificated in all categories including Military Type CH-3C helicopters equipped with S6115-20501 series, S6115-20601 series, S6117-20101 series, and S6188-15001 series main rotor blades except for blades with serial numbers subsequent to 61M-6350-6105 and blades which have had all main rotor blade pockets replaced by Sikorsky Aircraft after October 30, 1972. Compliance required within 5 hours time in service after the effective date of this AD. The maximum never exceed speed is hereby reduced to 110 knots. Install placards as close as practicable to the airspeed indicators reading as follows: "Never exceed speed 110 knots." This supersedes telegram dated October 8, 1974 and supersedes the maximum never exceed speed established by Airworthiness Directive 74-20-7

This amendment becomes effective December 2, 1974 for all persons except those to whom it was made effective immediately by telegram dated November 6, 1974.

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

Issued in Burlington, Massachusetts, on November 20, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74-27968 Filed 11-29-74;8:45 am]

[Docket No. 74-NE-30; Amdt. 39-2033]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S-56, S-64A, and S-64E Helicopters

Amendment 39-1910, AD 74-16-05 requires the replacement of main rotor head spindle lock nuts, P/N S1510-23031-0 and P/N S1510-23031-1 before the accumulation of 750 hours time in service and 10,000 hours time in service, respectively, on Sikorsky S-64A, S-64E, and S-56 helicopters. After issuing Amendment 39-1910, the Agency determined that the repetitiveness of the replacements should be clarified. Therefore, the AD is being amended to clarify that the replacements are repetitive.

Since this amendment provides a clarification only and imposes no additional burden on any person, notice and public procedure herein are unnecessary and the amendment may be made effective in less than thirty (30) days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1910 is amended as follows:

1. In paragraph (a) delete the period after the words "part number" and insert in lieu thereof the words "and thereafter repeat replacement at intervals not to exceed 750 hours time in service."

[1] Form filed as part of the original.

2. In paragraph (b) delete the period after the words "part number" and insert in lieu thereof the words "and thereafter repeat replacement at intervals not to exceed 10,500 hours time in service."

This amendment becomes effective December 12, 1974.

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

Issued in Burlington, Massachusetts, on November 21, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74-27971 Filed 11-29-74;8:45 am]

[Docket No. 74-NE-51; Amdt. 39-2031]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S-61L, S-61N, S-61NM and S-61R Helicopters Certificated In All Categories Including Military Type CH-3C Helicopters

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on October 10, 1974, and a revision was adopted on October 15, 1974. The directive and the revision were made effective immediately as to all known operators of Sikorsky S-61L, S-61N, S-61NM and S-61R helicopters. The directive and its revision require an inspection, prior to the first flight of each day, of each main rotor blade and the immediate removal of the blade from service if there is an indication that a counterweight is loose.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Sikorsky S-61L, S-61N, S-61NM, and S-61R helicopters by individual telegrams dated October 10, 1974 and October 15, 1974. These conditions still exist and the airworthiness directive, including the revision, is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations.

SIKORSKY. Applies to S-61L, S-61N, S-61NM and S-61R helicopters certificated in all categories including Military Type CH-3C helicopters equipped with S6115-20501 series, S6115-20601 series, S6117-20101 series, and S6188-15001 series main rotor blades. Compliance required within 5 hours time in service after the effective date of this AD. Prior to first flight of each day inspect each main rotor blade in accordance with Sikorsky Service Bulletin S61B15-18, Paragraph C for possible free counterweights or loose material in the blade spar cavity. If any sound is evident, remove blade from service immediately and notify Sikorsky Aircraft Product Support Department

This amendment becomes effective December 2, 1974, for all persons except those to whom it was made effective immediately by telegrams dated October 10, 1974 and October 15, 1974.

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

Issued in Burlington, Massachusetts, on November 20, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74-27969 Filed 11-29-74;8:45 am]

[Docket No. 74-NE-35; Amdt. 39-2034]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S-61A, S-61L, S-61N, S-61R and S-61NM Helicopters Certificated In All Categories

Amendment 39-1583 (38 FR 1501), AD 73-2-2 as amended by Amendment 39-1972 (39 FR 33791) requires inspection, repair and replacement of main rotor blades of Sikorsky S-61A, S-61L, S-61N, S-61NM, and S-61R helicopters certificated in all categories in accordance with Sikorsky Service Bulletin No. 61B15-9C. After the Agency issued Amendment 39-1972, the manufacturer required, in a revised Sikorsky Service Bulletin No. 61B15-9D, that the blades be returned to his facility to insure proper installation of the tip cap bracket. The Agency concurs with this requirement and therefore the AD is being revised to refer to the latest revision of the manufacturer's service bulletin.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1583 (38 FR 1501), AD 72-2-2, as amended by Amendment 39-1972 (39 FR 33791), is further amended as follows:

(1) By deleting "No. 61B15-9C, dated September 13, 1974" from paragraph (a) and inserting in its place: No. 61B15-9D, dated November 18, 1974.

(2) By deleting "Sikorsky Service Bulletin No. 61B15-9C dated September 13, 1974" from paragraph (b) and inserting in its place: the above Service Bulletin.

This amendment becomes effective December 12, 1974.

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

Issued in Burlington, Massachusetts, on November 21, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74-27972 Filed 11-29-74;8:45 am]

[Docket No. 74-NE-43; Amdt. 39-2035]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S-61N, S-61L, S-61NM Helicopters

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on October 16, 1974, and made effective immediately as to all known operators of Sikorsky S-61N, S-61L, and S-61NM helicopters. Because of a reduction in performance which results from the use of the engine inlet ice shield, the directive reduced the maximum takeoff gross weight by 800 pounds for any selected altitude and temperature prescribed in the flight manual limitations in operations where the use of the engine inlet ice shield is permitted.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making an airworthiness directive effective immediately as to all known operators of Sikorsky S-16N, S-61L, and S-61NM helicopters by individual telegrams dated October 16, 1974. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

SIKORSKY. Applies to S-61L, S-61N, and S-61NM helicopters certified in all categories equipped with engine air inlet deflector installation (P/N S6107-21115 Series). Compliance with this airworthiness directive is required prior to next flight. Prior to each flight, reduce each takeoff gross weight limitation prescribed by the FAA approved Sikorsky Helicopter Flight Manual and applicable supplements 800 pounds until:

(a) receipt and incorporation of Revision No. 6, dated June 13, 1974, or Revision No. 7, dated July 24, 1974, for the FAA approved S-61N helicopter Flight Manual (SA 4045-82),

(b) receipt and incorporation of correcting revision approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region, to Supplement No. 22, dated December 6, 1973, for the FAA approved S-61L helicopter flight manual (SA 4045-30) or,

(c) receipt and incorporation of correcting revision approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region, to Supplement No. 4, dated December 6, 1973, for the FAA approved S-61L (serial no. 61425 and subsequent) helicopter flight manual (SA 4045-100).

This amendment becomes effective December 2, 1974, for all persons except those to whom it was made effective immediately by telgram dated October 16, 1974.

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

FERRIS J. HOWLAND,
Director, New England Region.

Issued in Burlington, Massachusetts, on November 22, 1974.

[FR Doc.74-27973 Filed 11-29-74;8:45 am]

[Docket No. 72-CE-10-AD; Amdt. 39-1988]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Cessna Series Airplanes; Correction

In FR Doc. 74-23750, appearing on page 36572 in the issue of Friday, October 11, 1974, in the applicability statement of Amendment 39-1988 delete "T206" and insert "P206" and in the ending serial number for the 182 series delete "18261530" and insert "18261528".

Issued at Kansas City, Missouri, on November 20, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-27967 Filed 11-29-74;8:45 am]

[Docket No. 14136; Amdt. No. 944]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective January 9, 1975.

Aguadilla, P.R.—Borinquen Arpt., VOR Rwy 8, Amdt. 1.
Allendale, S.C.—Allendale County Arpt., VOR-A, Amdt. 1.
Chester, S.C.—Chester Municipal Arpt., VOR/DME Rwy 23, Orig.
Chester, S.C.—Chester Municipal Arpt., VOR/DME A, Orig. Canceled.
Del Rio, Tex.—Del Rio Int'l Arpt., VOR-A, Amdt. 7.
Del Rio, Tex.—Del Rio Int'l Arpt., VOR/DME-B, Orig.
Florence, S.C.—Florence Municipal Arpt., VOR-A(TAC), Amdt. 2.
Ft. Myers, Fl.—Page Field, VOR Rwy 13, Amdt. 2.
Knoxville, Tenn.—McGhee Tyson Arpt., VOR Rwy 22R, Amdt. 18.
Lexington, Ky.—Blue Grass Arpt., VOR-A, Amdt. 1.
Livingston, Mont.—Mission Field, VOR-A, Amdt. 2.
Newberry, Mich.—Luce County Arpt., VOR Rwy 11, Amdt. 3.
Newberry, Mich.—Luce County Arpt., VOR Rwy 29, Amdt. 3.
Punta Gorda, Fl.—Charlotte Arpt., VOR/DME Rwy 33, Orig.
Sioux City, Iowa—Sioux City Municipal Arpt., VORTAC Rwy 13, Amdt. 11.
Teterboro, N.J.—Teterboro Arpt., VOR Rwy 24, Orig.

* * * *effective* December 19, 1974:

Lawrenceville, Ill.—Lawrenceville-Vincennes Muni. Arpt., VOR Rwy 18, Amdt. 4.
Lawrenceville, Ill.—Lawrenceville-Vincennes Muni. Arpt., VOR Rwy 36, Amdt. 4.
Mount Carmel, Ill.—Mount Carmel Municipal Arpt., VOR Rwy 22, Amdt. 1.

* * * *effective* December 12, 1974:

Manito, Ill.—Waddell Arpt., VOR-A, Orig.

* * * *effective* November 20, 1974:

Altus, Okla.—Altus Municipal Arpt., VOR-A, Amdt. 1.

* * * *effective* November 15, 1974:

Merced, Calif.—Merced Municipal Arpt., VOR Rwy 12, Amdt. 3.
Merced, Calif.—Merced Municipal Arpt., VOR Rwy 30, Amdt. 9.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective* January 9, 1975:

Orlando, Fl.—Herndon Arpt., LOC(BC) Rwy 25, Amdt. 10.
Sioux City, Iowa—Sioux City Municipal Arpt., LOC(BC) Rwy 13, Amdt. 14.

* * * *effective* December 19, 1974:

Chicago, Ill.—Chicago Midway Arpt., LOC Rwy 4R, Amdt. 3, Canceled.

* * * *effective* December 12, 1974:

Louisville, Ky.—Standiford Field, LOC Rwy 19, Orig.

* * * *effective* November 15, 1974:

Merced, Calif.—Merced Municipal Arpt., LOC (BC) Rwy 12, Amdt. 1.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective* January 9, 1975:

Albany, Ga.—Albany-Dougherty County Arpt., NDB Rwy 4, Amdt. 4.
Florence, S.C.—Florence Municipal Arpt., NBD Rwy 9, Amdt. 5.
Knoxville, Tenn.—McGhee Tyson Arpt., NDB Rwy 4L, Amdt. 1.
Knoxville, Tenn.—McGhee Tyson Arpt., NDB Rwy 4R, Orig.
Lexington, Ky.—Blue Grass Arpt., NDB Rwy 4, Amdt. 10.
Miami, Fl.—New Tamiami Arpt., NDB Rwy 9S, Amdt. 6.
Sioux City, Iowa—Sioux City Municipal Arpt., NDB Rwy 13, Amdt. 10.
Tallahassee, Fl.—Tallahassee Municipal Arpt., NDB Rwy 36, Amdt. 12.

* * * *effective* December 5, 1974:

Potsdam, N.Y.—Potsdam Municipal Damon Field, NDB Rwy-24, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective* January 9, 1975:

Albany, Ga.—Albany-Dougherty County Arpt., ILS Rwy 4, Amdt. 3.
Florence, S.C.—Florence Municipal Arpt., ILS Rwy 9, Amdt. 5.
Knoxville, Tenn.—McGhee-Tyson Arpt., ILS Rwy 4L, Amdt. 30.
Knoxville, Tenn.—McGhee-Tyson Arpt., ILS Rwy 22R, Amdt. 1.
Lexington, Ky.—Blue Grass Arpt., ILS Rwy 4, Amdt. 4.
San Juan, P.R.—Puerto Rico Int'l Arpt., ILS Rwy 7, Amdt. 7.
Tallahassee, Fl.—Tallahassee Municipal Arpt., ILS Rwy 36, Amdt. 15.

* * * *effective* December 19, 1974:

Chicago, Ill.—Chicago Midway Arpt., ILS Rwy 4R, Orig.

* * * *effective* November 15, 1974:

Merced, Calif.—Merced Municipal Arpt., ILS Rwy 30, Amdt. 1.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective* January 9, 1975:

Knoxville, Tenn.—McGhee Tyson Arpt., RADAR-1, Amdt. 15.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective* January 9, 1975:

Miami, Fl.—Opa Locka Arpt., RNAV Rwy 9L, Amdt. 2.
Punta Gorda, Fl.—Charlotte County Arpt., RNAV Rwy 27, Orig.
San Juan, P.R.—Puerto Rico Int'l Arpt., RNAV Rwy 10, Amdt. 1.

CORRECTION

In Docket Nr. 14121, Amendment 942 to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated November 18, 1974, on page 40491, under Section 97.27 effective December 26, 1974—Change Painesville, Ohio—Casement Arpt., NDB-A, Amdt. 4, in part, to read NDB-B.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)))

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by

the Director of the FEDERAL REGISTER on May 12, 1969 (35 FR 5610).

Issued in Washington, D.C., on November 20, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.74-27974 Filed 11-29-74;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER I—BUREAU OF THE CENSUS, DEPARTMENT OF COMMERCE

PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS

Fee Structure for Age Search and Citizenship Information

The fee structure for age search and citizenship information is hereby amended as set forth below to change the fee for an age search from $5 for a regular search and $6 for a priority search to a single fee of $7.50 for a regular search, effective January 1, 1975. Priority searches will no longer be offered. No transcript of any record will be furnished which would violate statutes requiring that information furnished to the Bureau of the Census be held confidential and not used to the detriment of the person to whom it relates.

Requests for searches should be directed to the Bureau of the Census, Pittsburg, Kansas 66762.

In accordance with the rule making provisions of Administrative Procedure 5 U.S.C. section 553, it has been found that notice and hearing on this schedule of fees and postponement of the effective date thereof is impracticable and unnecessary for the reason that Title 13 U.S.C. requires recovery of the costs.

1. Section 50.5 is hereby amended to read as follows:

§ 50.5 Fee structure for age search and citizenship information.

Types of service:	Fee
Searches in regular turn of not more than two censuses for one person and one transcript of the most appropriate record	$7.50
Each additional copy of census transcript	1.00
Each full schedule requested	2.00

2. Section 60.9(b)(1) is hereby amended to read as follows:

§ 60.9 Fees and charges.

(a) * * *

(b) The following fees are hereby established and payable to the Bureau:

(1) Application fee-per application—$2.00. This fee is nonrefundable, and covers costs of accepting and reviewing the application, and making a determination as to the availability of the requested record. The $2 application fee does not apply to requests for personal census information, which should be directed to the Bureau's Personal Census Service Branch in Pittsburg, Kansas. The fee for personal census service is $7.50 for a search of not more than two censuses for one person and one transcript of the most appropriate record.

* * * * *

Dated: November 25, 1974.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

[FR Doc.74-28025 Filed 11-26-74;1:48 pm]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-110; Amdts. Nos. 173-87 177-31]

PART 173—SHIPPERS

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Handling of Hazardous Materials on Motor Vehicles; Miscellaneous Amendments

The purpose of these amendments to the hazardous materials regulations of the Department of Transportation is to (a) require the installation of liquid discharge controls on certain MC 330 cargo tanks; (b) specify location requirements for retention of manufacturer's certificates for specification cargo tanks; (c) clarify the hydrostatic and pneumatic testing procedures for cargo tanks; (d) provide for the use of certain heaters in vehicles loaded with flammable commodities; (e) define "attendance" as it pertains to a tank motor vehicle being loaded or unloaded; (f) require that internal valves and manholes on cargo tanks be in a closed and secured position during transportation; (g) authorize certain repairs to a motor vehicle containing hazardous materials in a closed garage; and, (h) make several editorial changes to reflect recent amendments to the Federal motor carrier safety regulations (49 CFR 390-397) pertaining to warning devices for stopped vehicles.

On August 27, 1973, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-110; Notice No. 73-5 (38 FR 22901), which proposed these amendments. Interested persons were invited to give their views.

Several commenters pointed out that because many MC 330 cargo tanks are not equipped with manholes, especially those of less than 3500-gallon water capacity, it would be difficult to retrofit these tanks with internal emergency valves at vapor discharge openings. The Board recognizes this problem and has decided to make this rule making applicable only to liquid discharge openings. The Board will consider further the problems raised concerning retrofitting vapor discharge openings in future rule making. Also, this decision is based on the fact that the Board inadvertently failed to include MC 331 cargo tanks constructed before March 31, 1974, in order to be consistent with amendments made in HM-86 (38 FR 27595).

A number of commenters objected to the cargo tank certificate retention proposal. One commenter stated "[it] is an unrealistic and unnecessary requirement," and "could significantly increase paperwork for many carriers * * *." The Board reiterates that this proposal is merely intended to clarify existing record keeping requirements. Presently, each cargo tank specification requires that the carrier procure and retain a manufacturer's certificate. Sections 173.33 and 177.824 require the retention of periodic retest and inspection records. Part 396 of the Federal motor carrier safety regulations (49 CFR 390-397) requires the retention of inspection and maintenance records for all vehicles. The only "new" aspect of the proposal is that the records be kept together in the same file to form a composite history of the cargo tank. The Board recognizes that some record keeping duplication may result, in that part of the inspection and maintenance records required by Part 396 may be duplicated by this amendment depending upon each carrier's record keeping system. However, only those records pertaining to inspection and maintenance of the tank vessel need be retained with the manufacturer's certificate. Recognizing the burden this would place on single trip leased cargo tanks, the Board has not made the requirement applicable to cargo tanks leased for less than 30 days when the required records are retained by the lessor.

In its proposal to clarify the procedures for pneumatic testing in § 177.824 (d)(2), the Board said the test pressure must be increased by a pressure equivalent to the static head in the tank when fully loaded. A commenter pointed out that in some cases, the total test pressure may exceed the maximum design pressure of the cargo tank. The Board agrees and has dropped this provision. Another commenter suggested that the provisions for hydrostatic and pneumatic testing be listed separately. The Board agrees and has made editorial changes accordingly.

In its proposal to prohibit the use of catalytic heaters in vehicles transporting flammable liquids and flammable gases, the Board stated the rule making action was merely clarifying the position of the Federal Highway Administration that catalytic heaters are combustion heaters. The Board Member for Federal Highway Administration has not changed that position. However, based on experience data submitted in response to the notice, the Board Member for Federal Highway Administration believes catalytic heaters may be a safe means to heat the cargo space of motor vehicles.

The original position of the Board Member for the Federal Highway Administration was based on fires reported to the Bureau of Motor Carrier Safety under the Federal Motor Carrier Safety Regulations' accident reporting system. Recent reports submitted to the Bureau have indicated that the majority of such fires were caused by cargo being too close to the heaters. Based on this data, the

Board believes catalytic heaters can safely be used with flammable liquids and flammable gases provided adequate guards are installed to prevent lading from being too close to the heating elements. Therefore, § 177.834 has been changed to require guards to keep lading at least 12 inches from any catalytic heater.

That part of the proposal pertaining to the use of catalytic heaters in vehicles containing explosives is being retained as proposed.

Section 177.834(l) has been modified to clearly distinguish who is responsible for ensuring the attendance of cargo tanks during loading and unloading. For example, the carrier's responsibility will depend upon whether its contractual obligation to transport the hazardous material includes loading or unloading.

Many commenters pointed out that shipper or consignee personnel often perform the actual loading or unloading of the cargo tank even though the carrier's driver is present. The proposed definition of "qualified representative" would not allow attendance by such persons. The section has been changed to permit attendance by a "qualified person" without the requirement that he be a representative of a motor carrier.

Editorial changes have been made to the proposal that all openings on a tank vehicle be closed to clarify application of the rule.

The Board proposed to change § 177.845(g) to allow repairs to vehicles containing hazardous materials in closed garages with certain restrictions. Several commenters objected to the restriction pertaining to presence of welding or flame producing devices in the same enclosed area and suggested a distance factor instead of the blanket prohibition. While the prohibition may cause some inconveniences, accident experience has shown that distance is not always an adequate safeguard, especially considering the nature of some gases and flammable vapors. The Board does not believe the restrictions are overbearing when considering the alternative of the complete prohibition against any repairs in a closed garage. Editorial changes have been made in § 177.854(g)(1) to include a cross-reference to paragraph (h) and to limit application to those materials having a definite fire or explosion hazard.

The Board is cancelling § 177.815(g) which was inadvertently overlooked during rule making in Docket No. HM-8 (38 FR 5292).

In consideration of the foregoing, Parts 173 and 177 of Title 49 are amended as follows:

1. In § 173.33, paragraph (l) is added as follows:

§ 173.33 Cargo tank use authorization.

* * * * *

(l) Each MC 330 cargo tank used for flammable compressed gas or anhydrous ammonia must be equipped with liquid discharge controls that conform to the requirements of § 178.337-11(c) of this subchapter at each liquid discharge opening. The controls required by this paragraph must be installed not later than the date the tests prescribed by paragraph (e) of this section are required.

2. In Part 177 table of contents, § 177.814 is added to read as follows:

§ 177.814 Retention of manufacturer's certificate and retest reports.

3. Section 177.814 is added to read as follows:

§ 177.814 Retention of manufacturer's certificate and retest reports.

(a) Each motor carrier who uses a cargo tank vehicle shall have in his files a certificate signed by a responsible official of the manufacturer or fabricator of the cargo tank, or a competent testing agency, certifying that the cargo tank identified in the certificate was manufactured and tested in accordance with the requirements contained in the specification under which the cargo tank was constructed. The certificate and any other data furnished as required by the specification must be retained at the principal office of the carrier during the time that the cargo tank is used by the carrier and for 1 year thereafter. However, the motor carrier may himself perform the tests and inspections to determine whether the tank meets the requirements of the specification. If the motor carrier does so and determines that the tank conforms to the specification, he may use the tank if he retains the test data, in place of a certificate in his files at his principal office for as long as he uses the tank and 1 year thereafter. Each motor carrier who uses a specification cargo tank which he does not own and has not tested or inspected shall obtain a copy of the certificate and retain it in his files at his principal office during the time he uses the tank and for 1 year thereafter.

(b) Upon a written request to, and with the approval of, the Director, Regional Motor Carrier Safety Office, for the region in which a motor carrier has his principal place of business, a motor carrier may retain the certificate and other data specified in paragraph (a) of this section at a regional or terminal office. The address and jurisdictions of the Directors of Regional Motor Carrier Safety Offices are shown in § 390.40 of Chapter III of this title.

(c) *Withdrawal of certification.* See § 177.824(l) of this subchapter.

(d) A copy of retest and inspection reports required by § 173.33 and § 177.824 of this subchapter and all records of repairs to each cargo tank vessel must be retained in the same file with the manufacturer's certificate for that tank as specified in paragraph (a) of this section. This provision does not apply to a motor carrier leasing a cargo tank for less than 30 days if the lessor has the records required by this section in his files.

§ 177.815 [Amended]

4. In § 177.815, paragraph (g) is deleted.

5. In § 177.824, paragraph (d) is revised to read as follows:

§ 177.824 Retesting and inspection of cargo tanks.

* * * * *

(d) *Hydrostatic or pneumatic testing procedure.* The requalification as an authorized container of cargo tanks (or compartments) required to be hydrostatically or pneumatically tested in accordance with paragraph (a) of this section shall be based on successfully meeting the requirements of this paragraph.

(1) *General.* (i) If a cargo tank is compartmented each compartment shall be similarly tested with the adjacent compartment empty and at atmospheric pressure.

(ii) All closures shall be in place while the test is being made. During the test all relief devices shall be clamped, plugged or otherwise rendered inoperative. Relief devices shall be returned to their operative condition immediately after the tests are completed.

(iii) The tank or compartment must hold the prescribed pressure for at least 10 minutes. All tank valves, piping, and other accessories in communication with the lading must be pressure tested and proven tight at the tank design pressure.

(iv) All pressure bearing portions of the heating system of a cargo tank (or compartment) employing such media as steam or hot water for heating the lading shall be tested under hydrostatic pressure and proven to be tight at 14.06 kg./sq. cm (200 psig). Systems employing flues for heating the lading shall be suitably tested to insure against product leakage into the flues or into the atmosphere.

(2) *Hydrostatic test.* For Hydrostatic testing, the tank (including its domes, if any) must be completely filled with water or a liquid having a viscosity similar to water. Pressure must be gauged at the top of the tank applied in accordance with Table I following paragraph (d)(3) of this section.

(3) *Pneumatic test.* Pneumatic pressure must be applied in accordance with Table I of this paragraph. During the pneumatic test the entire surface of all joints under pressure must be coated with a solution of soap and water, heavy oil, or other materials suitable for the purpose of foaming or bubbling to indicate the presence of leaks. Other methods equally sensitive for determining leaks may be used.

TABLE I

Container type:	*Test pressure KG/SQ. CM.*
MC 300, 301, 302, 303, 305, 306	0.2109 (3 psig)
MC 304, 307	1.76 [1] (25 [1] psig)
MC 310, 311, 312	0.2109 [1] (3 [1] psig)

[1] Or 1½ times design pressure whichever is greater.

(4) *Required results.* A cargo tank (or compartment) required to be hydrostatically or pneumatically tested in accordance with paragraph (a) of this section may not be returned to service as

a specification cargo tank unless it has successfully retained the applicable test pressure (see Table I in pargaraph (d) (3) of this section) without leakage, undue distortion, excessive permanent expansion, or evidence of impending failure. The suitability of any repairs shall be determined by the same method of test.

(i) Cargo tanks (or compartments) with heating systems shall successfully withstand the hydrostatic pressure and examination specified in paragraph (d) (1) (iv) of this section.

6. In § 177.834, paragraphs (i) and (l) are revised to read as follows:

§ 177.834 General requirements.

* * * * *

(i) *Attendance requirements.* (1) *Loading.* A cargo tank must be attended by a qualified person at all times when it is being loaded. The person who is responsible for loading the cargo tank is also responsible for ensuring that it is so attended.

(2) *Unloading.* A motor carrier who transports hazardous materials by a cargo tank must ensure that the cargo tank is attended by a qualified person at all times during unloading. However, the carrier's obligation to ensure attendance during unloading ceases when—

(i) The carrier's obligation for transporting the materials is fulfilled;

(ii) The cargo tank has been placed upon the consignee's premises; and

(iii) The motive power has been removed from the cargo tank and removed from the premises.

(3) A person "attends" the loading or unloading of a cargo tank if, throughout the process, he is awake, has an unobstructed view of the cargo tank, and is within 7.62 meters (25 feet) of the cargo tank.

(4) A person is "qualified" if he has been made aware of the nature of the hazardous material which is to be loaded or unloaded, he has been instructed on the procedures to be followed in emergencies, he is authorized to move the cargo tank, and he has the means to do so.

(5) A delivery hose, when attached to the cargo tank, is considered a part of the vehicle.

* * * * *

(l) *Use of cargo heaters with explosives and flammable commodities.* (1) *Flammable liquids and flammable gases.* Except as provided in paragraph (l) (2) of this section, a flammable liquid or a flammable gas must not be loaded into a truck body or a trailer containing a combustion heater, or equipped with operable automatic temperature control equipment. Fuel tanks for automatic temperature control equipment must be emptied or removed from the vehicle, except that liquefied petroleum gas fuel tanks exterior to the vehicle body may have their valves closed and disconnected from the fuel feed lines instead of being emptied or removed. Catalytic heaters may be used provided adequate guards are installed to prevent any cargo from being closer than 30.05 cm (12 inches) to the heater.

(2) *Exception for certain automatic temperature control equipment.* A flammable liquid or a flammable gas may be transported in a vehicle equipped with automatic temperature control equipment if, (i) the lading space is equipped with electrical apparatus of the nonsparking or explosion-proof type, (ii) no combustion apparatus is in the lading space; and (iii) there is no connection for return of air from the lading space to any combustion apparatus. The heating system must prevent heating of any part of the lading to a temperature of more than 54 C. (130° F.) and must conform to the requirements of § 393.77 of this title.

(3) *Explosives.* An explosive may not be loaded into a truck body or trailer which contains a combustion heater including a catalytic heater, or is equipped with operable automatic temperature control equipment. All fuel tanks for a heater or automatic temperature control equipment with which a truck body or trailer is equipped must be drained. All automatic heating or refrigeration machinery must be rendered inoperative by disconnection of the automatic controls and sources of power for its operation.

§ 177.835 [Amended]

7. In § 177.835, paragraph (e) (1) is deleted.

8. In § 177.837, paragraph (e) is added to read as follows:

§ 177.837 Flammable liquids.

* * * * *

(e) *Manholes and valves closed.* A person shall not drive a tank motor vehicle and a motor carrier shall not require or permit a person to drive a tank motor vehicle containing a flammable liquid (regardless of quantity) unless—

(1) All manhole closures on the cargo tank are closed and secured; and

(2) All valves and other closures in liquid discharge systems are closed and free of leaks.

9. In § 177.839, paragraph (d) is added to read as follows:

§ 177.839 Corrosive liquids.

* * * * *

(d) *Corrosives in cargo tanks.* A person shall not drive a tank motor vehicle and a motor carrier shall not require or permit a person to drive a tank motor vehicle containing corrosives (regardless of quantity) unless—

(1) All manhole closures on the cargo tank are closed and secured; and

(2) All valves and other closures in liquid discharge systems are closed and free of leaks.

10. In § 177.841, paragraph (d) is added to read as follows:

§ 177.841 Poisons.

* * * * *

(d) *Poisons in cargo tanks.* A person shall not drive a tank motor vehicle and a motor carrier shall not require or permit a person to drive a tank motor vehicle containing poisons (regardless of quantity) unless—

(1) All manhole closures on the cargo tank are closed and secured; and

(2) All valves and other closures in liquid discharge systems are closed and free of leaks.

11. In § 177.854, the last sentence in paragraph (a), entire paragraphs (f) (1) and (f) (2), and paragraph (g) are amended to read as follows:

§ 177.854 Disabled vehicles and broken or leaking packages; repairs.

(a) * * * See §§ 392.22, 392.24, and 392.25 of this title for warning devices required to be displayed on the highway.

* * * * *

(f) * * *

(1) For motor vehicles other than cargo tank motor vehicles used for the transportation of flammable liquids or flammable compressed gases and not transporting explosives, Class A, or Class B, warning devices must be set out in the manner prescribed by § 392.22 of this title.

(2) For cargo tank motor vehicles used for the transportation of flammable liquids or flammable compressed gases, whether loaded or empty, and vehicles transporting explosives Class A or Class B, warning devices must be set out in the manner prescribed by § 392.25 of this title.

(g) *Repairs and maintenance to vehicles.* (1) Except as provided in paragraph (h), no maintenance or repair using open flame or any type of welding may be performed on vehicles containing flammable liquids, flammable gas, oxidizers, or explosives.

(2) A vehicle containing hazardous materials, except explosives or cargo tanks containing flammable liquids or flammable compressed gases (regardless of quantity), may be inside a building for repairs or other reasons provided—

(i) There is no flame-producing or welding devices in operation within the same enclosed area of the building; and

(ii) The vehicle has an operable means of motive power or is connected to an operable truck or truck tractor to facilitate its quick removal from the building.

12. In § 177.856, the second sentence in paragraph (d) is amended to read as follows:

§ 177.856 Accidents; flammable liquids.

(d) * * * In such cases warning devices must be set out in the manner prescribed by § 392.25 of this title. * * *

* * * * *

13. In § 177.859, the third sentence in paragraph (b) is amended to read as follows:

§ 177.859 Accidents; compressed gases.

* * * * *

(b) * * * Warning devices must be set out in the manner prescribed in § 392.25 of this title. * * *

* * * * *

These amendments are effective April 1, 1975. However, compliance with

the regulations as amended herein is authorized immediately.

(Transportation of Explosives Act (18 U.S.C. 831–835); Sec. 6 Department of Transportation Act (49 U.S.C. 1655))

Issued in Washington, D.C., on November 25, 1974.

KENNETH L. PIERSON,
Alternate Board Member for the Federal Highway Administration.

[FR Doc.74-28079 Filed 11-29-74;8:45 am]

[Docket No. HM-22; Amdts. Nos. 173-85; 178-34]

PART 173—SHIPPERS

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Cargo Tanks Matter Incorporated by Reference; Correction

On September 30, 1974 (39 FR 35173), the Hazardous Materials Regulations Board published an amendment which updated the references to The Chlorine Institute's standards for valves on chlorine tank motor vehicles.
valves on chlorine tank motor vehicles.

It has come to the Board's attention that parts of the September 30, 1974 amendment were ambiguous regarding whether cargo tanks manufactured before the effective date of the amendment are required to conform to the new Chlorine Institute specifications. The Board is now curing that defect and, concurrently, is restating the entire substance of the September 30 amendment in clearer terms.

In consideration of the foregoing, 49 CFR Parts 173 and 178 are amended as follows:

1. In § 173.33, paragraph (i)(4) is revised and paragraph (i)(5) is added to read as follows:

§ 173.33 Cargo tank use authorization.

* * * * *

(i) * * *

(4) Angle valves and excess-flow valves on chlorine tank motor vehicles manufactured on or before December 31, 1974, must conform to the standards of The Chlorine Institute, Inc., as follows:

(i) An angle valve must conform to either Dwg. 104–4 dated May 5, 1958, or Dwg. 104–5, dated September 1, 1972.

(ii) An excess-flow valve conforming to either Dwg. 101–4 dated May 16, 1969, or Dwg. 101–6, dated September 1, 1973, must be installed under each liquid angle valve. An excess-flow valve conforming to either Dwg. 106–3, dated May 16, 1969, or Dwg. 106–5, dated September 1, 1973, must be installed under each gas angle valve.

(5) Angle valves and excess-flow valves on chlorine tank motor vehicles manufactured on or after January 1, 1975, must conform to the standards of The Chlorine Institute, Inc., as follows:

(i) An angle valve must conform to Dwg. 104–5, dated September 1, 1972;

(ii) An excess-flow valve conforming with Dwg. 101–6, dated September 1, 1973, must be installed under each liquid angle valve. An excess-flow valve conforming to Dwg. 106–5, dated September 1, 1973, must be installed under each gas angle valve.

2. In § 173.315, paragraph (i)(14) is deleted and paragraph (i)(13) is revised to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

* * * * *

(i) * * *

(13) A safety relief valve on a chlorine tank motor vehicle must conform to one of the following standards of The Chlorine Institute, Inc.: Type 1½ JQ225, Dwg. H51970, dated October 7, 1968; or Type 1½ JQ225, Dwg. H50155, Revision A, dated April 28, 1969.

(14) [Deleted]

* * * * *

3. Section 178.337–1(c)(2) is revised to read as follows:

§ 178.337–1 General requirements.

* * * * *

(c) * * *

(2) A chlorine tank shall have only one opening. That opening shall be in the top of the tank and shall be fitted with a nozzle that meets the following requirements:

(i) On a tank manufactured on or before December 31, 1974, the nozzle shall be protected by a dome cover plate which conforms to either the standard of The Chlorine Institute, Inc., Dwg. 103–3, dated January 23, 1958, or to the standard specified in paragraph (c)(2)(ii) of this section.

(ii) On a tank manufactured on or after January 1, 1975, the nozzle shall be protected by a manway cover which conforms to the standard of The Chlorine Institute, Inc., Dwg. 103–4, dated September 1, 1971.

* * * * *

4. Section 178.337–2(b) is revised as follows:

§ 178.337–2 Material.

* * * * *

(b) *For a chlorine tank.* Plates, the manway nozzle, and anchorage shall be made of carbon steel which meets the following requirements:

(1) For a tank manufactured on or before December 31, 1974—

(i) Material shall conform to ASTM Specification A–3000–58, titled "Steel Plates for Pressure Vessels for Service at Low Temperatures";

(ii) Material shall be Class 1, Grade A, flange or firebox quality;

(iii) Plate impact test specimens, as required under paragraph (a) of this section, shall be of the Charpy keyhole notch type; and

(iv) Plate impact test specimens shall meet the impact test requirements in paragraph (a) of this section in both the longitudinal and transverse directions of rolling at a temperature of minus 45.5 C. (−50° F.).

(2) For a tank manufactured on or after January 1, 1975—

(i) Material shall conform to ASTM Specification A–612–72a, Grade B or A–516–72, Grade 65 or 70;

(ii) Material shall meet the Charpy V-notch test requirements of ASTM Specification A–20–72a; and

(iii) Plate impact test specimens shall meet the impact test requirements in paragraph (a) of this section in both the longitudinal and transverse directions of rolling at a temperature of minus 40° C. (−40° F.).

* * * * *

5. Section 178.337–8(b) is revised as follows:

§ 178.337–8 Outlets.

* * * * *

(b) *Chlorine tank valves.* See § 173.33 (g)(9), (i)(4), and (5) of this subchapter. Regarding chlorine tank outlets, see also § 178.337–1(c)(2) of this part.

6. Section 178.337–10(c) is revised as follows:

§ 178.337–10 Protection of fittings.

* * * * *

(c) *For chlorine tanks.* There shall be a protective housing and manway cover to permit the use of standard emergency kits for controlling leaks in fittings on the dome cover plate. The housing and manway cover must conform to the Chlorine Institute's standards as follows:

(1) Tanks manufactured on or before December 31, 1974: Dwg. 137–1, dated November 7, 1962, or Dwg. 137–2, dated September 1, 1971.

(2) Tanks manufactured on or after January 1, 1975: Dwg. 137–2, dated September 1, 1971.

* * * * *

This amendment is effective January 1, 1975. However, compliance with the regulations as amended herein is authorized immediately.

(Transportation of Explosives Act (18 U.S.C. 831–835); sec. 6, Department of Transportation Act (49 U.S.C. 1655))

Issued in Washington, D.C., on November 25, 1974.

ROBERT A. KAYE,
Board Member for the Federal Highway Administration.

[FR Doc.74-28078 Filed 11-29-74;8:45 am]

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 1; Notice 3]

PART 211—RULE-MAKING AND RELATED PROCEDURES

The Federal Railroad Administration (FRA) hereby revises Part 211, Chapter II, Title 49 of the Code of Federal Regulations. The revision is prompted by the growing need to define in more detail current FRA procedures and to reflect more clearly existing organizational arrangements. These rules apply unless

separate, specific procedures are in effect with respect to the subject matter.

The part name is amended by adding the words "and related procedures." This change recognizes that implementation and relief are also treated therein.

Subpart A of the new procedures describes the applicability of the part and gives basic guidance to members of the public seeking access to rule making and related processes. All proceedings under the part are now coordinated by the Office of Chief Counsel, whose Docket Clerk maintains the necessary records. Correspondence concerning rule making and related activities must be channeled through the Docket Clerk to assure its consideration.

Subpart B governs the actual development of FRA regulations. Except for the addition of § 211.11 and certain technical changes, Subpart B is substantially identical to the old Subpart C. Existing provisions for notice and public comment are preserved. The Department of Transportation recognizes the stake of the consumer in the regulation and rehabilitation of surface transportation. Thus, the FRA will make increased use of public procedure in the preparation and issuance of regulations designed to implement loan guaranty and grant programs and other matters of potential interest to consumers.

New Subparts C and D reflect the diversity of FRA responsibilities while prescribing some common procedures.

Since the issuance of Part 211 in 1969, the review of petitions for waivers has been delegated to the Railroad Safety Board. Section 211.41 embodies that delegation. It is FRA policy to provide an opportunity for public comment on a waiver or exemption when it appears likely there may exist significant differences of opinion on the merits. "Waiver" is used in place of "exemption" in the revision because the former has gained greater currency. However, as employed in administrative practice the terms are synonymous; no inferences should be drawn from the substitution.

The Federal Railroad Safety Act of 1970 imposed on the FRA additional responsibilities for safety research and development. This grant and the existing duty to promote an efficient transportation system carry with them the authority to conduct tests of railroad facilities, equipment, rolling stock, operations and persons. Section 211.51 describes the circumstances under which delegate railroads are given the flexibility necessary for them to participate in FRA test programs.

Section 211.53 centralizes the filing of certain documents requesting specialized forms of action. Materials formerly filed with the Office of Safety henceforth must be brought or mailed to the Docket Clerk, Office of Chief Counsel, RA-20, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. It should be noted that applications for relief from the Signal Inspection Act regulations (§ 236.0) are, in substances, waiver petitions and should be filed with the Docket Clerk. Amendments conforming Parts 235 and 236 to this revision are being issued today.

When the FRA acts in a proceeding listed in Subpart C or D, notice is given to interested persons, who may then petition for reconsideration of the action taken (§§ 211.55 and 211.57).

It is hoped that these updated rules provide a more simple, direct, and complete guide to FRA procedures. Our purpose has been to encourage maximum public participation in matters of general interest while facilitating prompt action on the myriad questions of detail which must be answered if the industry is to move the nation's goods. In both areas the FRA will be responsive to criticisms and new ideas from whatever source.

Since this revision does not affect any substantive right or duty and relates to procedure and practice before the FRA, notice and public procedure thereon are unnecessary and it is effective on December 2, 1974.

In consideration of the foregoing, Part 211 of Title 49 of the Code of Federal Regulations is revised to read as set forth below.

Issued in Washington, D.C. on November 25, 1974.

ASAPH H. HALL,
Acting Administrator.

Subpart A—General

211.1 General.
211.3 Participation by interested persons.
211.5 Regulatory docket.
211.7 Filing of materials.
211.9 Filing of petitions for rule making and waivers.

Subpart B—Rule-Making Procedures

211.11 Processing of petitions for rule making.
211.13 Initiation of rule making.
211.15 Notice and participation.
211.17 Contents of notices.
211.19 Petitions for extensions of time to comment.
211.21 Consideration of comments received.
211.23 Additional rule-making proceedings.
211.25 Hearings.
211.27 Adoption of final rules.
211.29 Petition for reconsideration of a rule.
211.31 Proceedings on petitions for reconsideration.

Subpart C—Waivers

211.41 Processing of petitions for waivers.

Subpart D—Miscellaneous Proceedings

211.51 Tests.
211.53 Additional procedures.
211.55 Petitions for reconsideration.
211.57 Proceedings on petitions for reconsideration.

AUTHORITY: Secs. 6 and 9 of Pub. L. 89-670, 80 Stat. 937 and 944 (49 U.S.C. 1655 and 1657); the statutes referred to in sec. 6(e)(1), (2), (3), and (6)(A) of Pub. L. 89-670, 80 Stat. 939 (49 U.S.C. 1655); sec. 202 of Pub. L. 91-458, 84 Stat. 971 (45 U.S.C. 431); and § 1.49 of Title 49, Code of Federal Regulations.

Subpart A—General

§ 211.1 General.

(a) This part prescribes procedures that apply to the issuance, implementation, amendment, and repeal of rules of the Federal Railroad Administration. It does not apply to rule making and other proceedings governing the transportation of explosives and other dangerous articles under sections 831-835 of Title 18, United States Code.

(b) As used herein—

(1) "Administrator" includes the Deputy Administrator and any of the following to whom the Administrator has delegated authority and who may redelegate that authority to the head of a subordinate office:

(i) The Chief Counsel;

(ii) The Railroad Safety Board; and

(iii) Any Associate Administrator.

(2) "Waiver" includes "exemption."

(c) Records relating to rule making and other proceedings are available for inspection as provided in Part 7 of this title.

(d) References in this part to "the Docket Clerk" are to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590.

§ 211.3 Participation by interested persons.

Any person may participate in proceedings under this part by submitting written information or views. The Administrator may also permit any person to participate in additional proceedings, such as informal appearances, conferences, or hearings at which a transcript or minutes are kept, to assure informed administrative action and protect the public interest.

§ 211.5 Regulatory docket.

(a) Records of the Federal Railroad Administration concerning rule-making and other proceedings subject to this part, including notices of proposed rule making, comments received in response to these notices, petitions for rehearing or reconsideration, grants and denials of waivers, denials of petitions for rule making, records of additional rule-making proceedings, and final rules, are maintained in current docket form in the Office of Chief Counsel.

(b) Any person may examine any docketed material at the Office of Chief Counsel and may obtain a copy of docketed material other than commercially prepared transcripts upon payment of the fees prescribed in Part 7 of this title.

§ 211.7 Filing of materials.

Any petitions, reports, or other materials submitted to the Administrator or to the Railroad Safety Board in connection with the issuance, waiver or implementation of any rule shall be filed in triplicate with the Docket Clerk.

§ 211.9 Filing of petitions for rule making and waivers.

(a) Any person may petition the Adminsirator for the issuance, amendment, repeal or permanent or temporary waiver of any rule.

(b) Each petition under this section must:

(1) Set forth the text or substance of the rule or amendment proposed, or

specify the rule that the petitioner seeks to have repealed or waived, as the case may be;

(2) Explain the interest of the petitioner in the action requested including, in the case of a petition for a waiver, the nature and extent of the relief sought and a description of the persons to be covered by the waiver;

(3) Contain sufficient information to support the action sought; and

(4) In the case of a petition for a waiver, unless good cause is shown in that petition, be submitted at least 60 days before the proposed effective date of the waiver.

Subpart B—Rule-Making Procedures

§ 211.11 Processing of petitions for rule making.

(a) *General.* Each petition for rule making received under § 211.9 of this part is referred to the head of the office responsible for the subject matter of that petition, who recommends appropriate action to the Administrator. No public hearing, argument or other proceeding is held directly on a petition for rule making before its disposition under this section.

(b) *Grants.* If the Administrator determines that the petition contains adequate justification, he initiates rule-making action under this subpart.

(c) *Denials.* If the Administrator determines that the petition does not justify initiating rule-making action, he denies the petition.

(d) *Notification.* Whenever the Administrator grants or denies a petition, a notice of that grant or denial is issued promptly to the petitioner.

§ 211.13 Initiation of rule making.

The Administrator initiates rule making on his own motion. He may, however, in his discretion, consider the recommendations of other agencies of the United States and of other interested persons.

§ 211.15 Notice and participation.

(a) Except as provided in paragraph (c) of this section, unless the Administrator finds, for good cause, that notice is impractical, unnecessary, or contrary to the public interest (and incorporates the findings and a brief statement of the reasons therefore in the rules issued), a notice of proposed rule making is issued and interested persons are invited to participate in the rule-making proceedings with respect to each substantive rule.

(b) Unless the Administrator determines that notice and public rule-making proceedings are necessary or desirable, interpretive rules, general statements of policy, and rules relating to organization, procedure, or practice, including those relating to agency management or personnel, are prescribed, as final without notice or other public rulemaking proceedings.

(c) A notice of proposed rule making is issued and interested persons are invited to participate in rule-making proceedings with respect only to those procedural and substantive rules of general applicability relating to public property, loans, grants, benefits, or contracts which the Administrator has determined to be of substantial public interest.

§ 211.17 Contents of notices.

(a) Each notice of proposed rule making is published in the FEDERAL REGISTER, unless all interested persons are named and are served with a copy of it.

(b) Each notice, whether published in the FEDERAL REGISTER or served, includes—

(1) A statement of the time, place and nature of the proposed rule-making proceeding;

(2) A reference to the authority under which it is issued;

(3) A description of the subjects or issues involved or the substance or terms of the proposed rule;

(4) A statement of the time within which written comments must be submitted and the required number of copies; and

(5) A statement of how and to what extent interested persons may participate in the proceeding.

§ 211.19 Petitions for extensions of time to comment.

(a) Any person may petition the Administrator for an extension of time to submit comments in response to a notice of proposed rule making. The petition must be submitted not later than 10 days before expiration of the time stated in the notice and must contain reference to the FRA docket number for the proceeding involved. The filing of the petition does not automatically extend the time for petitioner's comments.

(b) The Administrator grants the petition only if the petitioner shows a substantive interest in the proposed rule and good cause for the extension, and if the extension is in the public interest. If an extension is granted, it is granted as to all persons and is published in the FEDERAL REGISTER.

§ 211.21 Consideration of comments received.

All timely comments are considered before final action is taken on a rule-making proposal. Late filed comments will be considered to the extent practicable.

§ 211.23 Additional rule-making proceedings.

The Administrator may initiate any further rule-making proceedings that he finds necessary or desirable. For example, he may invite interested persons to present oral arguments, participate in conferences, appear at informal hearings, or participate in any other proceeding.

§ 211.25 Hearings.

(a) A hearing will be held if required by statute or the Administrator finds it necessary or desirable.

(b) Except for statutory hearings required to be on the record—

(1) Hearings are fact-finding proceedings, and there are no formal pleadings or adverse parties;

(2) Any rule issued in a proceeding in which a hearing is held is not necessarily based exclusively on the record of the hearing; and

(3) Sections 556 and 557 of Title 5, United States Code, do not apply to hearings held under this subpart.

(c) The Administrator designates a representative to conduct any hearing held under this subpart. The Chief Counsel designates a member of his staff to serve as legal officer at the hearing.

§ 211.27 Adoption of final rules.

If the Administrator adopts the rule, it is published in the FEDERAL REGISTER unless all interested persons are named and are personally served with a copy of it.

§ 211.29 Petition for reconsideration of a rule.

(a) Any person may petition the Administrator for reconsideration of any rule issued under this part. Such a petition must be submitted at least 10 days before the effective date of the rule. Petitions not timely filed will be considered as petitions for rule making under § 211.9 of this part. The petition must contain a brief statement of the complaint and an explanation as to why compliance with the rule is not possible, is not practicable, is unreasonable, or is not in the public interest.

(b) If the petitioner requests consideration of additional facts, he must state the reason they were not presented to the Administrator within the allotted time.

(c) The Administrator does not consider repetitious petitions.

(d) Unless the Administrator specifically provides otherwise, and publishes notice thereof in the FEDERAL REGISTER, the filing of a petition under this section does not stay the effectiveness of a rule.

§ 211.31 Proceedings on petitions for reconsideration.

(a) The Administrator may grant or deny, in whole or in part, any petition for reconsideration without further proceedings. In the event he determines to reconsider any rule, he may issue a final decision to amend, suspend, or revoke the rule, or he may initiate rule making under this subpart.

(b) Whenever the Administrator determines that a petition should be granted or denied, he prepares a notice of the grant or denial of a petition for reconsideration for issuance to the petitioner, and issues it to the petitioner.

(c) The Administrator may consolidate petitions relating to the same rule.

Subpart C—Waivers

§ 211.41 Processing of petitions for waivers.

(a) *General.* Each petition for a permanent or temporary waiver received under § 211.9 of this part is referred to the Railroad Safety Board.

(b) *Notice.* If required by statute or the Administrator deems it desirable, a notice is published in the FEDERAL REGISTER and an opportunity for public comment is provided before the petition is granted or denied.

(c) *Grants.* If the Railroad Safety Board determines that the petition contains adequate justification, the petition is granted. Conditions may be imposed on the grant of waiver if the Board concludes they are necessary to assure safety.

(d) *Denials.* If the Railroad Safety Board determines that the petition does not contain adequate justification the petition is denied.

(e) *Notification.* Whenever the Railroad Safety Board grants or denies a petition, a notice of that grant or denial is issued promptly to the petitioner. When a petition has been approved, interested persons are notified or a notice is published in the FEDERAL REGISTER.

(f) *Petitions for reconsideration.* Any person may petition for reconsideration of the grant or denial of a waiver under procedures set forth in § 211.55 of this part.

Subpart D—Miscellaneous Proceedings

§ 211.51 Tests.

(a) Pursuant to the Department of Transportation Act (80 Stat. 931, 49 U.S.C. 1651 et. seq.), the Federal Railroad Safety Act of 1970 (84 Stat. 971, 45 U.S.C. 421, 431–441), or both, the Administrator may temporarily suspend compliance with a substantive rule of the Federal Railroad Administration, if:

(1) The suspension is necessary to the conduct of a Federal Railroad Administration test program designed to evaluate the effectiveness of new technology or operational approaches or instituted in furtherance of a present or proposed rule-making proceeding;

(2) The suspension is limited in scope and application to such relief as may necessary to facilitate the conduct of the test program; and

(3) The suspension is conditioned on the observance of standards sufficient to assure safety.

(b) When required by statute, a notice is published in the FEDERAL REGISTER and opportunity is provided for public comment before the test program is implemented.

(c) When the Administrator approves suspension of compliance with any rule in connection with a test program, a description of the test program containing an explanatory statement responsive to paragraph (a) of this section is published in the FEDERAL REGISTER.

§ 211.53 Additional procedures.

(a) *Restricted railroad freight cars.* A petition for approval authorized by § 215.225 of this chapter (restricted freight cars) must be submitted in triplicate to the Docket Clerk. Petitions are handled in accordance with procedures set forth in § 215.225.

(b) *Signal system discontinuance or modification.* An application for approval of discontinuance or material modification of a signal system authorized by Part 235 of this title must be submitted in triplicate to the Docket Clerk. Applications are handled in accordance with procedures set forth in Part 235.

(c) *Special approval.* Requests for special approval not otherwise provided for must be submitted in triplicate to the Docket Clerk, specifying the action requested. Requests will be considered by the Administrator and appropriate action will be taken.

(d) *Notice.* When final action is taken under procedures noted in paragraph (a), (b), or (c) of this section, interested parties are notified.

§ 211.55 Petitions for reconsideration.

(a) Any person may petition the Administrator for reconsideration of final action taken under procedures noted or set forth in Subpart C or this subpart.

(b) The petition must specify with particularity the grounds for modification or revocation of the action in question.

(c) The Administrator does not consider repetitious petitions.

(d) Unless the Administrator specifically provides otherwise, and gives notice to interested parties or publishes notice in the FEDERAL REGISTER, the filing of a petition under this section does not stay the effectiveness of the action sought to be reconsidered.

§ 211.57 Proceedings on petitions for reconsideration.

(a) The Administrator may invite public comment or seek a response from the party at whose request any affirmative action was taken before acting on a petition for reconsideration submitted under § 211.55 of this part.

(b) The Administrator reaffirms, modifies, or revokes the final action without further proceedings and issues notification of his decision to the petitioner.

[FR Doc.74-28080 Filed 11-29-74;8:45 am]

PART 235—INSTRUCTIONS GOVERNING APPLICATIONS FOR APPROVAL OF A DISCONTINUANCE OR MATERIAL MODIFICATION OF A SIGNAL SYSTEM

PART 236—INSTALLATION, INSPECTION, MAINTENANCE, AND REPAIRS OF SYSTEMS, DEVICES AND APPLIANCES

Conforming Amendments

The General Revision of the Federal Railroad Administration (FRA) procedures for rule making and related matters (Part 211, Title 49), also issued today, centralizes the filing of the numerous petitions, applications, and other documents associated with FRA safety regulation functions.

These amendments bring Part 235 and 236 into conformity with the revised Part 211. Part 235 procedures for FRA approval of signal discontinuances and modifications supplement general procedures under Part 211. Section 236.0 applications are a type of waiver petitions for which Part 236 provides specialized procedures. These amendments merely change the appropriate addressee of applications and protests under the respective parts. Henceforth, such materials should be brought or mailed to the Docket Clerk, Office of Chief Counsel, RA–20, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

Since these amendments do not affect any substantive right or duty and relate to procedure and practice before the FRA, notice and public procedure thereon are unnecessary and they are effective on December 2, 1974.

These amendments are issued under authority of sec. 12, 24 Stat. 383; sec. 441, 41 Stat. 498; sec. 6, 80 Stat. 939, 940 (49 U.S.C. 12, 26, 1655); sec. 1.49 of Title 49 CFR.

In consideration of the foregoing, Parts 235 and 236 of Title 49 CFR are amended as set forth below.

Issued in Washington, D.C. on November 25, 1974.

ASAPH H. HALL,
Acting Administrator.

1. Paragraph (c) of § 235.13 is revised to read as follows:

§ 235.13 Filing procedure.

* * * * *

(c) The application and correspondence in reference thereto should be addressed to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590.

2. Paragraph (b) of § 235.20 is revised to read as follows:

§ 235.20 Protests.

* * * * *

(b) The original and two copies of any protest shall be filed with the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590, and one copy shall be furnished to each applicant.

* * * * *

3. In § 236.0, paragraphs (c)(6) and (c)(7) are revised to read as follows:

§ 236.0 Applicability of this part, relief and instructions governing applications for relief.

* * * * *

(c) * * *

(6) A protest against the granting of an application shall set forth specifically the grounds upon which it is made, and contain a concise statement of the interest of protestant in the proceeding. The original and two copies of any protest shall be filed with the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590, and one copy shall be furnished to each applicant. Protests should be filed within the time set forth in the notice.

(7) Each application and correspondence in reference thereto should be addressed to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590.

* * * * *

[FR Doc.74-28081 Filed 11-29-74;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 rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 928]

PAPAYAS GROWN IN HAWAII

Limitation of Handling

This notice invites written comment relative to proposed minimum quality and size requirements for shipments of Hawaiian papayas under the Marketing Agreement and Order No. 928. This regulation would require that all Hawaiian papayas handled grade at least Hawaii No. 1 grade. Papayas shipped in interstate or export channels would be required to be pyriform shape and weigh at least 10 ounces. Fruit shipped in intrastate channels would be required to weigh at least 14 ounces except Hawaii Fancy grade fruit would be required to weigh at least 16 ounces. This proposal was recommended by the Papaya Administrative Committee established pursuant to the said Marketing Agreement and Order No. 928, regulating the handling of papayas grown in Hawaii. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

PAC estimates that 1975 production of Hawaiian papayas will total 48.0 million pounds, 25 percent more than the estimated record large 1974 crop of 38.5 million pounds. It is anticipated fresh sales will constitute 92 percent of the crop or 44 million pounds. To reach this quantity of fresh shipments, the committee expects that in-state sales will increase nine percent to 14.2 million pounds; export sales other than mainland, 27 percent to 3.8 million pounds; and mainland sales, 37 percent to 26.0 million pounds.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than December 17, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during business hours (7 CFR 1.27(b)).

As proposed § 928.304 would read as follows:

§ 928.304 Papaya Regulation 5.

(a) During the period January 1, 1975 through December 31, 1975, no handler shall ship any container of papayas:

(1) To any destination within the production area unless said papayas grade at least Hawaii No. 1 and are of the size which individually weigh not less than 14 ounces: *Provided,* That papayas handled as Hawaii Fancy grade shall be of a size which individually weigh not less than 16 ounces.

(2) To any export destination unless said papayas grade at least Hawaii No. 1: *Provided,* That such papayas shall be of pyriform shape and weigh not less than 10 ounces each.

(b) When used herein "Hawaii Fancy", "Hawaii No. 1", "Hawaii No. 2" and "pyriform shape" shall have the same meaning as set forth in the State of Hawaii Revised Regulation No. 1 Subsection 5.32—Wholesale Standards for Hawaiian Grown Papayas. All other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated: November 25, 1974.

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

[FR Doc.74-27998 Filed 11-29-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Fund for the Improvement of Postsecondary Education

[45 CFR Part 1501]

SUPPORT FOR IMPROVEMENT OF POSTSECONDARY EDUCATION

Notice of Proposed Rule Making

Pursuant to the authority contained in section 404 of the General Education Provisions Act (20 U.S.C. 1221d), "Support for improvement of postsecondary education," notice is hereby given that the Secretary of Health, Education, and Welfare proposes to amend the existing regulations for this program as set forth below. The proposed amendments to the regulations, reflected in sections 1501.2–3, 1501.5–7, 1501.9–11, would: (a) Redefine the special focus program objectives and establish national projects competitions; (b) revise the existing definitions and criteria for the review and selection of applications and preapplications; and (c) incorporate appropriate sections of the Office of Education's General Provisions Regulations (45 CFR Part 100a) and revoke some corresponding provisions in the existing regulations. These amendments are proposed to improve the implementation of section 404 as the result of program operating experience.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the regulations to the Office administering the program, the Fund for the Improvement of Postsecondary Education, Department of Health, Education, and Welfare, 400 Maryland Avenue SW Room 3141, Washington, D.C. 20202. Such responses to this notice will be available for public inspection at the above office on Mondays through Fridays between 9 a.m. and 5:30 p.m. All relevant material received not later than January 2, 1975.

(Federal Domestic Assistance Catalogue No. 13.538: Fund for the Improvement of Postsecondary Education.)

Dated: November 25, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

PART 1501—SUPPORT FOR IMPROVEMENT OF POSTSECONDARY EDUCATION

It is proposed that 45 CFR Part 1501 be revised to read as follows:

Sec.

1501.1 Purpose.
1501.2 Applicability of civil rights provisions and general provisions regulations.
1501.3 Definitions.
1501.4 Eligibility for assistance.
1501.5 Types of assistance.
1501.6 Program categories.
1501.7 Criteria for evaluating applications.
1501.8 Comprehensive program objectives.
1501.9 Special focus program and national project objectives.
1501.10 Application procedures.
1501.11 Reporting.
1501.13 Limitations on costs.
1501.14 Reporting.

AUTHORITY: Sec. 404, General Education Provisions Act, as added by sec. 301(a)(2) of Public Law 92–318, 86 Stat. 327 (20 U.S.C. 1221d), unless otherwise noted.

§ 1501.1 Purpose.

The purpose of the regulations in this part is to implement the provisions of section 404 of the General Education Provisions Act as amended which provides for grants to, and contracts with, institutions of postsecondary education and other public and private educational institutions and agencies to improve postsecondary educational opportunities. The program is administered by the Fund for the Improvement of Postsecondary Education, a unit within the Office of the Assistant Secretary for Education of the Department of Health, Education, and Welfare, with the advice of a Board of Advisors.

(20 U.S.C. 1221d)

§ 1501.2 Applicability of civil rights provisions and general provisions regulations.

(a) *Civil rights*

(1) Federal financial assistance under this part is subject to the regulations in part 80 of this title, issued by the Secretary of Health, Education, and Welfare and approved by the President, to effectuate the provisions of title VI of the Civil Rights Act of 1964 (Pub. L. 88–352).

(2) Federal financial assistance under this part is also subject to the provisions of title IX of the Education Amendments of 1972 (prohibition of sex discrimination), and any regulations issued thereunder.

(b) *General provisions*

Assistance under this part is subject to the provisions set forth in Parts 100 and 100a of this title (relating to fiscal, administrative, property management, and other matters) except that such assistance shall not be subject to the provisions of § 100a.26(b) relating to criteria for awards. For purposes of this part, references in Part 100a to the Commissioner shall be deemed to be reference to the Assistant Secretary for Education.

(20 U.S.C. 1681–86; Pub. L. 92–318, section 906; 42 U.S.C. 2000d; 20 U.S.C. 1221d)

§ 1501.3 Definitions.

As used in this part—

"Combination of institutions of postsecondary education" means a group of institutions of postsecondary education that have entered into a cooperative arrangement for the purpose of carrying out a common objective, or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of postsecondary education for the purpose of carrying out a common objective on their behalf.

"Fiscal year" means a period beginning on July 1 and ending on the following June 30. (A fiscal year is designated in accordance with the calandar year in which the ending date of the fiscal year occurs.)

"Fund" means the Fund for the Improvement of Postsecondary Education, the unit within the Office of the Assistant Secretary for Education of the Department of Health, Education, and Welfare which administers the program covered by this part.

"Institution of postsecondary education" means an educational institution which admits as regular students only person who have completed or left elementary or secondary school.

"Local government" means a local unit of government including specifically a county, municipality, city, town, township, local public authority, special district, intrastate district, council of governments, sponsor group representative organization, and other regional or interstate government entity, or any agency or instrumentality of a local government, exclusive of institutions of postsecondary education and hospitals.

"Nonexpendable personal property" means tangible personal property, including equipment, having a useful life of more than 1 year and an acquisition cost of $300 or more per unit.

"Nonprofit" means owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"Other educational institution or agency" means an entity which (1) has engaged in activities involving education prior to submitting an application to the Fund, or (2) has jurisdiction over educational matters pursuant to state or local law.

"Personal property" means property of any kind, tangible or intangible, except real property.

"Private" means not under public supervision or control.

"Public," as applied to an institution or agency, means that the institution or agency is a legally constituted organization of government under public administrative control and direction, except that an institution or agency of the Federal Government shall not be considered a public institution or agency.

"Recipient" means an applicant receiving assistance under this part.

"State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of State institutions of postsecondary education and hospitals.

(20 U.S.C. 1221d)

§ 1501.4 Eligibility for assistance.

Institutions of postsecondary education, combinations thereof, and other public and private educational institutions and agencies are eligible to receive assistance under this part. The fact that an applicant has been only recently established will not in itself prejudice such applicant's application.

(20 U.S.C. 1221d)

§ 1501.5 Types of assistance.

An applicant which is not public or nonprofit may receive assistance only in the form of contracts. Grants may be made to a combination of institutions of postsecondary education only if all institutions in the combination are public or nonprofit. Assistance may be awarded in one payment or in a number of payments, not necessarily equal, over a period of time.

(20 U.S.C. 1221d)

§ 1501.6 Program categories.

The Fund shall accept applications for assistance in three program categories:

(a) a comprehensive program solicitation, under which preapplications shall first be required for preliminary screening of applicants,

(b) special focus program solicitations, to be announced by the Fund for each fiscal year, and (c) national project solicitations, to be announced by the Fund for each fiscal year.

(20 U.S.C. 1221d)

§ 1501.7 Criteria for evaluating applications.

(a) A request for funds for the continuation of a project begun in a prior fiscal year and containing an approved multi-year work plan will be given priority over an application for the initiation of a new project. Requests for continuation awards will be approved only if (1) satisfactory progress, as indicated by site visits, progress reports and other relevant data, has been made in implementing the approved work program; (2) the project, in conformity with the funding criteria against which the original proposal was evaluated, is achieving the approved goals and objectives; and (3) the project has been successful, and continues to offer promise of success, in terms of its relationship to the general goals of the Fund.

(b) An application or (in the case of the comprehensive program) a preapplication for initial assistance under this part shall be evaluated in terms of the extent to which the proposal therein:

(1) Has the potential for advancing one or more of the following general goals of the Fund:

(i) To provide effective educational options not generally available;

(ii) To increase the cost-effectiveness of educational services;

(iii) To achieve far-reaching improvements in postsecondary education;

(iv) To promote learner-centered improvements in postsecondary education;

(2) Represents an improvement upon, or significant departure from, existing practice;

(3) Involves processes, features, or products applicable in other postsecondary educational settings;

(4) Meets the following operational standards:

(i) Is feasible and has sound project design, including budget and evaluation plans;

(ii) Has the potential for having available financial resources for continuation beyond the period of Fund support, unless the project is self-terminating;

(iii) Gives evidence of commitment to the project, such as financial contributions, on the part of the applicant institution and any other institutions or organizations to be involved in the project;

(5) Is unlikely to be supported by other sources; and

(6) Meets (i) one or more of the objectives of the comprehensive program set forth in section 1501.8, or (ii) the objectives of one of the special focus programs or national projects as set forth in section 1501.9.

(20 U.S.C. 1221d.)

§ 1501.8 Comprehensive program objectives.

The Fund will accept preapplications and applications (from those applicants

whose preapplications are approved) directed toward one or more of the following objectives:

(a) To provide new approaches to teaching and learning, specifically through projects which:

(1) Employ one or more of the following techniques or processes to achieve these purposes: (i) The integration of learning experiences, (ii) the individualization of educational services, or (iii) the improvement of teaching/learning techniques; or

(2) Develop and implement new kinds of education assessment to measure and achieve these purposes;

(b) To provide educational services for new clientele, specifically through projects which involve the restructuring of educational services and programs on behalf of these groups.

(c) To revitalize institutional missions, specifically through projects involving one or more of the following activities:

(1) The introduction of new structures or activities designed to channel institutional energies more effectively toward the implementation or refinement of an institution's existing mission, or

(2) The phasing out of programs or activities no longer central to an institution's mission. A proposal directed at furthering this objective will be evaluated by the Fund in terms of the extent to which it (i) will serve an important social objective, (ii) will be central to the institution's principal mission, (iii) will have a long-term effect on the institution, and (iv) will actively involve and be supported by constituencies relavant to the institution's mission.

(d) To implement new missions, specifically through projects which:

(1) Redirect missions of existing institutions, or

(2) Create new institutions.

(e) To encourage openness in postsecondary education, specifically through projects involving the improvement of one or more of the following:

(1) The nature of information about postsecondary education and the ways in which such information is communicated to students, educational institutions, and makers of educational policy.

(2) The standards, practices, and structures used in recognizing and evaluating the performance of individuals and institutions in postsecondary education, and the utilization of the judgments thereby made by other educational and social institutions and agencies.

(3) The forms and techniques by which financial support for postsecondary education is provided, particularly those which affect incentives for teachers and structure relationships among teachers and learners.

(4) The ways in which postsecondary education is regulated by public agencies.

(20 U.S.C. 1221d)

§ 1501.9 Special focus program and national project objectives.

In fiscal year 1975, in addition to the comprehensive program, the Fund will accept applications for assistance under:

(a) One special focus program, entitled Education and Certification for Competence, encompassing educational approaches in which learning goals and outcomes are specified in terms of the skills, attitudes, values and/or areas of knowledge required for success in various endeavors. Proposals will be review in terms of the extent to which they are designed to develop the goal specifications, assessment procedures, and patterns of implementation for competency-based learning. In judging the significcance and feasibility of a proposal related to any or all of these facets of competency-based learning, special attention will be given to:

(1) The extent of involvement of relevant constituencies;

(2) The extent to which the proposed competencies are generalizable; and

(3) The extent to which project outcomes are likely to be of broad applicability.

(b) Three national projects, in which institutions are invited to submit proposals describing their current activities in specified areas. Applicants determined to be sponsoring exemplary programs in these areas will receive awards averaging $25,000 to conduct further program assessment and to participate in collaboration with other applicants receiving awards under each project in developing approaches to the dissemination and communication of results to the field. The specified areas are as follows:

(1) A project (entitled alternatives to the revolving door) incorporating approaches which have demonstrated success in meeting the educational needs of low-achievers;

(2) A project (entitled elevating the importance of teaching) incorporating institutional approaches which have strengthened the significance of faculty roles in teaching, or have demonstrated more effective methods of evaluating teaching effectiveness; and

(3) A project (entitled improving information for student choice) incorporating approaches to providing prospective students with more and better quality information regarding the nature and results of educational programs.

(20 U.S.C. 1221d)

§ 1501.10 Application procedures.

(a) An application or preapplication for assistance under this part must be filed with the Fund on or before the closing date or dates published in the FEDERAL REGISTER by the Fund for each fiscal year.

(b) Except as provided in paragraph (f) of this section, an application or preapplication must have a title page providing the following information:

(1) Name and address of applicant.

(2) Name, address, title, phone number, and signature of applicant's authorizing officer.

(3) Name, address, title, and phone number of proposed project director.

(4) Dates of proposed project, including evaluation time.

(5) Amount of assistance requested.

(6) Proposal title.

(7) A brief, one-paragraph description of the proposal.

(c) Except as provided in paragraph (f) of this section, a preapplication must contain the following information, in a format to be selected by the applicant: (1) A statement of the problem being addressed; (2) a description of the specific criteria by which the success or failure of the project could be determined; (3) a description of how the objectives are to be accomplished; (4) a statement of the potential long-range outcomes of the project; and (5) a statement of the estimated budget range and the nature and amount of major anticipated expenditures.

(d) Except as provided in paragraph (f) of this section, an application submitted under the Comprehensive and Special Focus programs must contain the following information, in a format to be selected by the applicant:

(1) A diagnosis of the problem addresed, including a description of the problem and, as applicable, a discussion of pertinent empirical data and past attempts to deal with the problem.

(2) A description of the proposed project, including its methodology and schedule, qualifications of the persons who would conduct it, its short-term and long-term objectives and its specific allocation of available funds in the form of a budget.

(3) Evidence of commitment, including an indication of (i) the nature and extent of involvement in the project on the part of the applicant institution and any other institutions or organizations to be involved in the project, and (ii), unless the project is self-terminating, expected sources of financial support after the period of Fund support has elapsed.

(4) An evaluation plan, including the criteria by which the project will be evaluated, the methods and schedules for such evaluation, and the cost of such evaluation.

(e) Except as provided in paragraph (f) of this section, an application submitted under the National Projects competitions must contain:

(1) A description of the applicant's current approach to the specified topic;

(2) Evidence of the success of this approach and a description of the evaluation methodology utilized;

(3) An assessment of the significance of the approach for postsecondary education; and

(4) A budget, itemizing costs for the major categories of project activity.

(f) A State or local government seeking assistance under this part must apply

in accordance with such procedures, and using such forms, as the Fund may specially prescribe in conformity with pertinent directives of the Office of Management and Budget. Much of the material required of such applicants pursuant to such directives is similar to the material required of applicants proceeding under paragraphs (b), (c), (d) and (e) of this section.

(g) Prior to its disposition of applications for assistance under this part, the Fund may obtain the review and advice of qualified persons not employed by the Department of Health, Education, and Welfare. Any such review shall be in addition to the review of applications by the Fund in accordance with such procedures as it may establish, including consultation with the Board of Advisors to the Fund.

(h) No application for assistance under this part to an institution of postsecondary education shall be approved until the Fund has submitted it to the State postsecondary education commission, if there is one, established or designated pursuant to section 1202 of the Higher Education Act of 1965 in the State in which the institution is located and afforded the commission an opportunity to submit its comments and recommendations as to the application to the Fund.

(i) No application for assistance under § 1501.8 or § 1501.9(a) of this part shall be approved until the procedure for implementating the evaluation plan required under paragraph (d) of this section or, as applicable, paragraph (f) of this section has been established and a schedule for the submission of reports on such evaluation by the applicant to the Fund has been agreed upon.

(20 U.S.C. 1221d; OMB Circular No. A-102, Attachment M)

§ 1501.11 Reporting.

The recipient shall comply with the schedule for reporting on its evaluation of the project agreed upon pursuant to § 1501.10(i).

(20 U.S.C. 1221d; OMB Circular No. A-102, Attachment M)

[FR Doc.74-28064 Filed 11-29-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration; Southern Region

[14 CFR Part 71]

[Airspace Docket No. 74-SO-109]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Kenansville, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before January 2, 1975 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Kenansville transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Duplin County Airport (Lat. 35°00'00" N., Long. 77°59'00" W.); within 3 miles each side of the 034° bearing from Kenan RBN (Lat. 35°02'51" N., Long. 77°56'45" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Duplin County Airport. A prescribed instrument approach procedure to this airport, utilizing the Kenan (private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on November 21, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-27975 Filed 11-29-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74-41; Notice 2]

FEDERAL MOTOR VEHICLE SAFETY STANDARD

Flammability of Internal Materials; Correction

On November 15, 1974, the NHTSA issued a Notice (39 FR 40305) proposing to extend the requirements of Federal Motor Vehicle Safety Standard No. 302, Flammability of Interior Materials, to campers and trailers other than those sold exclusively for the transportation of cargo.

While the text of the preamble stated that the effective date of the amendment would be March 1, 1975, the proposed effective date cited at the end of the notice was September 1, 1975. The latter date was incorrect; the proposed effective date is March 1, 1975. This date, of course, is subject to further consideration on the basis of comments received and other information as it becomes available.

Issued on November 27, 1974.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.74-28213 Filed 11-27-74;4:38 pm]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214, 217, 241, 249, 372a, 378, 378a, 389]

[EDR-281A, SPDR-38A, ODR-9A; Docket No. 27135]

ONE-STOP-INCLUSIVE TOUR CHARTERS

Supplemental Notice of Proposed Rule Making; Extension of Comments Period

NOVEMBER 26, 1974.

By notice of proposed rule making EDR-281/SPDR-38/ODR-9, dated October 30, 1974, and published at 39 FR 39572, dated November 8, 1974, the Board gave notice that it had under consideration the adoption of a new Part 378a of its special regulations establishing a new class of charter designated as a "One-stop-inclusive Tour Charter" (OTC), along with various implementing amendments to certain of our economic regulations and organization regulations, as well as parallel amendments to Part 372a and 378 of our special regulations. Contemporaneously with the institution of this rule making proceeding, the Board also issued EDR-237C, a related notice of proposed rule making to consider termination of the so-called affinity charter rules. In both proceedings, initial comments are due on December 5, 1974, and responsive comments are due on December 20, 1974.

By supplemental notice of proposed rule making, EDR-237D, issued contemporaneously herewith, the undersigned, for the reasons stated therein, has found good cause to grant a 15-day extension of time for filing comments and responsive comments in both of these proceedings.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for submitting comments and responsive comments in this proceeding to December 20, 1974, and January 6, 1975, respectively. Procedures for review of this action by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50 through 385.54).

(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.

[FR Doc.74-28089 Filed 11-29-74;8:45 am]

[14 CFR Parts 207, 208, 212, 214, 217, 241, 249]

[EDR-237D; Docket No. 24908]

TERMINATION OF "PRIOR AFFINITY" CHARTER AUTHORITY

Supplemental Notice of Proposed Rule Making; Extension of Comments Period

NOVEMBER 26, 1974.

By notice of proposed rule making EDR-237C, dated October 30, 1974, and published at 39 FR 39289, November 6, 1974, the Board gave notice that it had under consideration an amendment to Parts 207, 208, 212, 214, 217, 241, and 249 of its economic regulations (14 CFR Parts 207, 208, 212, 214, 217, 241, and 249), which would terminate the "prior affinity" charter rules, and make various technical amendments to other parts of the Board's regulations so as to reflect the termination of such charter authority.

Public comments on these proposals are due December 5, 1974, and responsive comments on December 20, 1974. Counsel for Braniff, Continental, Delta, Eastern, National, Northwest, Pan American, Trans World, Western and United Airlines have requested that a 45-day extension be granted for comments and responsive comments to be filed in this proceeding and the related contemporaneously instituted proposal to consider the adoption of a One-stop-inclusive Tour Charter rule.[1] In support of this request, counsel states, inter alia, that additional time is needed for careful study of the related proposals by the affected carriers and for their determination whether to make a joint presentation to the Board. The British American Club of Northern California has requested that these due dates be extended, but without specifying requested extension dates, stating that it intends to solicit consumer comments regarding the proposals. On the other hand, the National Air Carrier Association (NACA) has requested that no extensions be granted inasmuch as the pendency of the proposals tends to create uncertainty in the charter markets, and should not be prolonged.[2] The undersigned finds that good cause has been shown for granting some extension of time for filing comments and responsive comments, but, in partial agreement with NACA, finds that an extension for more than 15 days would not be necessary or desirable.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for submitting comments and responsive comments to December 20, 1974, and January 6, 1975, respectively. Procedures for review of this action by the Board are set forth in Subpart C of Part 385 (14 CFR §§ 385.50 through 385.54).

(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.

[FR Doc.74-28090 Filed 11-29-74;8:45 am]

[1] EDR-281/SPDR-38/ODR-9, 39 FR 39572, November 8, 1974.

[2] NACA further requests that, if extensions be granted for these procedural dates, a concurrent extension should also be granted for the proposed termination dates for the marketing and operation of affinity charters, which the Board announced in EDR-237C. The undersigned is without delegated authority to extend the proposed termination dates which the Board has announced for these rules. Moreover, it is believed that the limited procedural extension granted herein would not warrant extension of these rules.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20065, RM-2224]

TELEVISION BROADCAST STATIONS

Certain Cities in Nebraska

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Alliance, Hay Springs, and Scottsbluff, Nebraska).

1. On May 23, 1974, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on May 31, 1974, 39 FR 19230. The date for filing comments has expired and the date for filing reply comments is presently November 25, 1974.

2. On October 24, 1974, Counsel for Wyneco Communications, Inc. (Wyneco), licensee of Station KSTF(TV), Scottsbluff, Nebraska, requested authorization to inspect certain Annual Financial Reports for Station KDUH-TV, Hay Springs, its parent Station KOTA-TV, Rapid City, South Dakota, and its sister satellite Station KHSD-TV, Lead, South Dakota on the grounds that it was otherwise available and was essential in order that Wyneco can undertake a meaningful evaluation of the contentions in Duhamel's comments with respect to the viability of KDUH-TV in their reply comments. Wyneco's request has not yet been acted on by the Commission and in view of this Wyneco on November 20, 1974, requested an extension of time to and including December 16, 1974, in which to file its reply comments.

3. We are of the view that the requested extension is warranted. *Accordingly, it is ordered,* That the date for filing reply comments is extended to and including December 16, 1974.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: November 21, 1974.

Released: November 25, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] PAUL WM. PUTNEY,
Acting Chief,
Broadcast Bureau.

[FR Doc.74-28034 Filed 11-29-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

ANTIDUMPING

Reimbursement of Dumping Duties—Solicitation of Views

Notice is hereby given that the Department of the Treasury is undertaking a review of § 153.49 of the Customs Regulations (19 CFR 153.49). That provision, in effect, increases the required payment of dumping duties on merchandise subject to a dumping finding by the amount of any dumping duties which have been or will be paid or reimbursed to the United States importer, directly or indirectly, by the foreign manufacturer or exporter.

Section 153.49, Customs Regulations, currently provides that in the appraisement of merchandise which is subject to a finding of dumping pursuant to section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), in calculating purchase price or exporter's sales price, as defined in sections 203 and 204 of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 163), there shall be deducted the amount of any dumping duties which are or will be paid by the manufacturer or exporter, or which are or will be refunded to the importer by the manufacturer or exporter, either directly or indirectly. Section 153.49 also requires that before the appraisement of merchandise found subject to dumping duties, the importer must file a statement certifying that he has or has not entered into an agreement or understanding for the payment or refunding to him of all or any part of the dumping duties assessed on the merchandise. However, a warranty of nonapplicability of dumping duties entered into before the initiation of the investigation which resulted in the dumping finding will not be regarded as affecting the purchase price or exporter's sales price of merchandise which had been purchased, or agreed to be purchased, before publication of a "Withholding of Appraisement Notice" and was exported before a determination of sales at less than fair value was made.

The Department of the Treasury and the Customs Service have received requests from exporters, importers, and customhouse brokers for the revision or repeal of the above provisions. In view of those requests and the administrative difficulties encountered in enforcing these provisions, the proposed review is being undertaken.

Interested persons are invited to submit views, comments, and suggestions with respect to whether the current provisions of § 153.49, Customs Regulations, shall be retained, amended, or repealed. Each suggested amendment should be accompanied by specific language for its implementation. Consideration will be given to all relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, not later than January 31, 1975. Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

After consideration of all data, views, and arguments, and if repeal or amendment of § 153.49, Customs Regulations, is proposed, the Department of the Treasury will publish a notice of proposed rulemaking in the FEDERAL REGISTER which will invite the comments of interested persons on the specific action contemplated.

VERNON D. ACREE,
Commissioner of Customs.

Approved: November 25, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-27996 Filed 11-29-74;8:45 am]

Office of the Secretary

NOTES TO BE ISSUED BY CHINA

Invitation To Bid on Interest Rate

I. INVITATION TO BID

The Secretary of the Treasury, acting for the Secretary of Defense (DOD), by this notice and under the terms and conditions hereof, invites bids on the interest rate for serial notes of the Government of the Republic of China (hereinafter referred to as the "borrower") which will be issued in the amount of $20,000,000 in denominations of $500,000. They will be guaranteed as to principal and interest by the United States. Bidding hereunder shall be subject to the "Regulations Governing the Sales of Treasury Bonds Through Competitive Bidding" (31 CFR 340) insofar as applicable.

The purpose of the notes is to provide private financing for the purchase by the borrower of defense articles and services from United States sources under the authority of the Foreign Military Sales Act, as amended, P.L. 90-626, October 22, 1968, 82 Stat. 1326; 22 U.S.C. 2571-2793 and Executive Order 11501, December 22, 1969, as amended, 3 CFR 267. See section V for United States Government guaranty.

II. DESCRIPTION OF NOTES—PAYMENTS—TRANSFERS

The notes will be dated December 19, 1974 and will be issued in registered form only in four separate but identical serials of $5,000,000, each serial comprised of ten notes each in the amount of $500,000. The ten notes will mature serially on June 30 and December 31 of each year commencing with June 30, 1976 and ending on December 31, 1980. Interest will be payable semiannually beginning on June 30, 1975. Final interest will be payable with the principal as the notes severally mature. The notes will not be subject to call for redemption prior to maturity.

Payments of principal and interest will be made by the paying agent. The name and address of the paying agent will be furnished prior to the bidding date.

Interest will be paid only to owners of record on the interest payment dates, and no transfers on the register of the paying agent will be made during the period of ten (10) calendar days preceding any interest payment date.

Owners may transfer their notes to legal entities doing business in the United States. The provisions of the guaranty agreement referred to in section V hereof will be applicable to transferees of the notes.

III. CLASSES OF BIDDERS—TERMS OF BIDDING AND PROCEDURE

Bids will be received from incorporated banks, trust companies, recognized dealers in investment securities, insurance companies, pension trusts and any similar entities doing business in the United States. Separate bids for each serial will be eligible for award, but bids for less than a complete serial will be rejected. Bids may be made for one or more serials. Each bid shall specify a single fixed rate of interest for each serial, using a 365-day factor, applicable to all notes comprising the serial. The rate shall be expressed as a percent per annum not to exceed two decimals, for example, 7.85%. Each bid shall be submitted in triplicate on the letterhead of the bidder. Bids should be enclosed in sealed envelopes and forwarded so as to be received in the Securities Department of the Federal Reserve Bank of New York, 33 Liberty Street, New York, New York 10045, not later than 11:00 A.M.,

eastern standard time, on December 12, 1974.

Bids will be opened at the Northwest Conference Room of the Bank at 11:00 A.M., eastern standard time, on December 12, 1974. In determining successful bids, those specifying the lowest fixed rate of interest will be accepted to the extent required to attain the aggregate of the loan. Bidders will be notified on the results of the auction on the same day bids are opened.

IV. Payment for and Delivery of the Notes

Payment for the notes is to be made at 2:00 p.m., eastern standard time, on December 19, 1974, by certified or official bank check in New York Clearing House funds, at the office of the paying agent. At time of payment, the paying agent will deliver the completed notes to the bidder or will mail them to any United States address the bidder so designates.

V. Documents Relating to the Notes—United States Government Guaranty and Legal Opinions

The obligations of successful bidders are to be conditioned upon (1) a United States of America guaranty of timely payment of 100 percent of the principal of the notes and 100 percent of the interest thereon by the borrower, (2) an opinion of the General Counsel of the Department of Defense with respect to the legal validity of the guaranty in all respects, and (3) an opinion of counsel for the Ministry of National Defense of the Government of the Republic of China with respect to the validity of the notes, as well as their terms and all related matters.

A copy of the guaranty, which will be dated December 19, 1974, is attached hereto as Exhibit A.[1] Copies of proposed opinions of counsel, referred to above, which will be dated December 19, 1974, are attached hereto as Exhibits B and C, respectively. The executed guaranty and the two signed opinions of counsel will be furnished to the paying agent who shall supply true copies thereof to any registered owner upon request and without charge therefor.

The borrower shall pay to the successful bidders the guaranty fee charged to the latter by the Department of Defense, which shall be in the amount of $12,500 for each $5 million serial note.

VI. Covenants of Borrower

By the award of bids hereunder, the borrower covenants and agrees beginning on the date of such award and, thereafter, so long as any amounts remain unpaid on account of the notes or otherwise that:

A. All payments on account of the principal of, and interest on, the notes and other fees and expenses shall be made free and clear of and without deduction for, any and all taxes, levies, imposts, duties, fees, charges, deductions, withholdings, restrictions or conditions of any nature whatsoever now or hereafter imposed, levied, collected or assessed with respect thereto by the borrower or any central or local authority thereof or therein;

B. Any claim which it may now or hereafter have against any person, corporation, firm or association or other entity (including without limitation, the Untied States, DOD, any Bank, any assignee of any Bank, and any supplier of the Defense items) in connection with any transaction, for any reason whatsoever, shall not affect the obligation of the borrower to make the payments to be made to the registered owners of the notes, and shall not be used or asserted as a defense to the payment of such obligation or as a setoff, counterclaim, or deduction against such payments;

C. It will pay any and all stamp taxes and other taxes of similar character, if any, now or hereafter in effect, which would be applicable to the notes, and will save the holder of any note harmless from any and all losses or liabilities with respect to or resulting from any delay or omission to pay such taxes.

D. Any legal actions or proceedings against the borrower by the registered owners with respect to the notes may be brought in the Superior Court of the District of Columbia or in the United States District Court for the District of Columbia or in the Courts of the borrower, as the registered owners may elect, and by the issuance and delivery of the notes, the borrower submits to each such jurisdiction. In the case of the Superior Court of the District of Columbia or of the United States District Court for the District of Columbia, the borrower consents to the service of process out of said Courts by mailing copies of such process by registered United States mail, postage paid, to them, addressed as follows: Director, Division for Ministry of National Defense, Chinese Government Procurement and Service Mission, 2224 R Street, NW, Washington, D.C. 20008.

E. All funds raised by the issuance of notes hereunder shall be utilized solely for the procurement of the Defense items pursuant to Purchase Arrangements authorized by DOD; and

F. Upon the occurrence of any of the following events or default, then, and in any such event, the registered owner of any note may declare immediately due and payable the unpaid principal of, and accrued interest on, all notes held by such owner and such amounts shall become immediately due and payable without protest, presentment, notice or other demand of any kind, all of which are hereby expressly waived by the borrower:

(1) If they fail for a period of ten (10) days to make any payment of principal of, or interest on, the note when due; or

(2) If any representation or warranty made by them in connection with the issuance of the notes, or in any document furnished pursuant hereto, proves to be at any time incorrect in any material respect, or

(3) If they default in the performance of any other term, covenant or agreement and such default shall continue unremedied for thirty (30) days after written notice thereof shall have been given to them.

Some of the foregoing covenants have been incorporated fully in the notes and all have been incorporated by reference. Accordingly, by issuing the notes the Government of the Republic of China will be bound by such covenants as if all of them had been fully set forth therein. The covenants signed by an authorized official of the Government of the Republic of China will be deposited with the paying agent. The proposed form of note is attached hereto as Exhibit D.

VII. Tax Exemptions

There will be no—

A. Federal income tax resulting from payment of the guaranty fee by the borrower to the successful bidder(s). (The latter will be acting merely as a conduit.)

B. Federal stamp tax; or

C. tax imposed by the borrower.

VIII. Notes—Eligibility for Various Purposes

Because the notes are deemed to be fully and unconditionally guaranteed obligations of the United States backed by its full faith and credit, they will be eligible as Federal Reserve discount collateral and also will be eligible as collateral for United States Government deposits with special depositaries of public moneys under Treasury Department Circular 92 (31 CFR Part 203) and depositaries and financial agents of the Government under Treasury Department Circular 176 (31 CFR Part 202). The notes will not be subject to the lending limitations of national banks.

IX. General

Copies of pertinent materials may be obtained upon request from the Department of the Treasury, Bureau of the Public Debt, Room 200, Washington Building, Washington, D.C. 20226, or by telephoning (202) 964-2992 or (202) 964-2246.

Dated: November 22, 1974.

William E. Simon,
Secretary of the Treasury.

[FR Doc.74-27955 Filed 11-29-74;8:45 am]

[1] Exhibits A-D filed as part of the original document.

DEPARTMENT OF JUSTICE

Office of the Attorney General

[A.G. Order 584-74]

ANCHORAGE DAILY TIMES AND THE ANCHORAGE DAILY NEWS

Findings on Application for Approval of Joint Operating Agreement

November 25, 1974.

Findings of the Attorney General on The Anchorage Daily Times and The Anchorage Daily News, Alaska Newspapers' Application for the Attorney General's Approval of a Joint Newspaper Operating Agreement.

Based upon a review of the entire record comprised of all materials filed in accordance with the provisions of Title 28 CFR, §§ 48.1 through 48.16, the following findings of fact are made:

1. There is no issue of fact outstanding which would necessitate the holding of a hearing.

2. The Anchorage Daily News, one of the two daily newspapers published in Anchorage, Alaska, has sustained a net loss for the preceding five years as reported in their audited annual statements.

3. The Anchorage Daily News is a newspaper of the type whose successful continuation was contemplated by the Congress in the passage of the Newspaper Preservation Act; moreover, the Anchorage Times has demonstrated in its annual statements filed as a part of the record that it is in a financial position to enter into a joint operating arrangement with the Daily News so as to make the continuation of the Daily News more probable than if the joint operating agreement were not to exist.

4. By terms of the joint operating agreement, as awarded, which is part of the record hereto there are the requisite assurances that the two newspapers will pursue independent editorial policies and will maintain separate editorial staffs.

5. The approval of the Attorney General does not extend to the maintenance of particular advertising rates or other conduct of the parties where such conduct would be unlawful if engaged in by a single entity.

6. Further, the implementation of the revised joint operating agreement would effectuate the policy and purposes of the Act.

I therefore conclude that the joint operating agreement between The Anchorage Daily News and The Anchorage Times is approved under the Act, upon the expiration of the ten-day stay under 28 CFR 48.14(b).

WILLIAM B. SAXBE,
Attorney General.

[FR Doc.74-28035 Filed 11-29-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NOTICE OF MEETING

NOVEMBER 26, 1974.

Bureau of Land Management, Assistant Director, Administration, announces the scheduling of a meeting entitled, "Recommendations for Baseline Research in Southern California Relative to Offshore Resource Development."

"Recommendations for Baseline Research in Southern California Relative to Offshore Resource Development," December 5, 6, and 7, 1974, Queen Mary, Long Beach, California, contact: Dr. Murray Dailey, Southern California Academy of Sciences, (213) 437-0041.

EDWARD L. HASTEY,
Assistant Director, Administration.

[FR Doc.74-28045 Filed 11-29-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

RAISIN ADVISORY BOARD

Public Meeting

Under the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), notice is given of a meeting of the Raisin Advisory Board at 1:30 p.m., December 19, 1974, in the Forum of the Sheraton Inn, Freeway 99 and Clinton Avenue, Fresno, California.

The purpose of the meeting is to: Review estimated 1974 production of natural Thompson Seedless raisins; recommend to the Raisin Administrative Committee final free and reserve percentages for natural Thompson Seedless raisins for the 1974-75 crop year; review the payment rate to handlers for services on reserve tonnage raisins and potential marketing order amendments; and receive reports from the manager of the Raisin Administrative Committee on a marketing order managers conference which he attended in November and on the status of raisin storage bins owned by the Raisin Administrative Committee. The meeting will be open to the public.

The Raisin Advisory Board is established under the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674)).

The names of Board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Clyde E. Nef, Raisin Administrative Committee, 732 North Van Ness Street, Fresno, California, 93720; telephone 209-268-5666.

Dated: November 26, 1974.

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

[FR Doc.74-28082 Filed 11-29-74;8:45 am]

Federal Crop Insurance Corporation

[Notice No. 91]

BARLEY—ARIZONA AND CALIFORNIA

Extension of the Closing Date for Filing of Applications for the 1975 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for barley crop insurance for the 1975 crop year in the Arizona and California counties listed below is hereby extended until the close of business on November 30, 1974. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

ARIZONA

Pinal	Yuma
Maricopa	

CALIFORNIA

Fresno	Merced
Kern	San Joaquin
Kings	Stanislaus
Madera	Tulare

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-27999 Filed 11-29-74;8:45 am]

[Notice No. 90]

WHEAT—ARIZONA AND CALIFORNIA

Extension of the Closing Date for Filing of Applications for the 1975 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for wheat crop insurance for the 1975 crop year in the Arizona and California counties listed below is hereby extended until the close of business on November 30, 1974. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

ARIZONA

Maricopa	Yuma
Pinal	

CALIFORNIA

Fresno	Merced
Imperial	San Joaquin
Kern	Stanislaus
Kings	Tulare
Madera	

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-28000 Filed 11-29-74;8:45 am]

Soil Conservation Service

LOST RIVER WATERSHED PROJECT, WEST VIRGINIA

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and section 650.7 (e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Lost River Watershed Project, Hardy County, West Virginia, W. Va.

The EIS concerns a plan for watershed protection, flood prevention and recreation. The planned works of improvement provide for conservation land treatment, 4 floodwater retarding structures, and 1 multiple-purpose reservoir with capacity for floodwater retarding and recreational water.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Federal Building, P.O. Box 865. Morgantown, West Virginia 26505.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: NOVEMBER 22, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-27957 Filed 11-29-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[46-2 (Amendment 3)]

BUREAU OF EAST-WEST TRADE

Organization and Function Order

This order effective November 10, 1974 amends the material appearing at 38 FR 9329 of April 13, 1973 and 39 FR 26924 of July 24, 1974.

DIBA Organization and Function Order 46-2, dated December 4, 1972, as amended, is hereby further amended as follows:

1. Section 2 is revised to read: "*Section 2. Organization structure.* The organization structure and line of authority of the Bureau of East-West Trade shall be as depicted in the attached organization chart." A copy of the chart is on file with the original of this document in the Office of the Federal Register.

2. *Section 5. Office of East-West Trade Development.* Section 5.03 is revised by adding paragraph d as follows:

"d. Maintain broad East-West trade contacts and two-way information flow with U.S. and foreign industry groups, trade associations, universities and other non-governmental organization; and provide necessary support for the Advisory Committee on East-West Trade."

3. *Section 7. Office of the Joint Commission Secretariat* is revised to read as follows:

"*Section 7. Office of the Joint Commission Secretariat.* .01 The Office of the Director includes: The Director who shall plan and direct the execution of policies and programs of the Office. The Office shall also include the Assistant Director for Joint Commissions.

.02 The Office of the Joint Commission Secretariat shall provide executive secretariat services to U.S. joint commissions with the U.S.S.R., Poland, Romania and as may be established with other countries and to official meetings between high-level government representatives of the Centrally Planned Economies and officials of the Department, including the Director and Deputy Director of the Bureau of East-West Trade; coordinate all aspects of the preparation for meetings of such commissions and their follow-up including the preparation of briefing materials for meetings of the commissions or subgroups thereof, the reporting at such meetings, and logistical arrangements for commission meetings both here and abroad. For the purposes of all such coordination the Office may call upon the resources of other BE-WT Offices as required. The Office shall analyze information pertaining to commission activities and conduct the economic research necessary for the preparation of recommendations for the timing, frequency, and substantive content of commission meetings, as well as research on major issues which are the subject of commission consideration, and on evolving relations between eastern bloc countries and western European countries in commission frame works; develop recommendations in conjunction with the Office of East-West Trade Development regarding the advisability of and the timing for entering negotiations for the establishment of commissions with eastern European countries for which such commissions have not been established; prepare periodical reports on between-meeting status of commission activities; and coordinate the preparation of materials for meetings of the East-West Trade Policy Committee."

4. *Section 8. Office of Export Administration.* Section 8.03 is revised to read: ".03 The *Operations Division* shall process license applications; develop internal operating procedures; conduct public contact activities; issue U.S. import certificates; prepare analytical and statistical reports on export control activities; develop and publish export control regulations and procedures as well as instructions for Foreign Service Officers; handle clearances with the Office of Management and Budget of public reporting requirements for the Bureau; carry out Bureau emergency readiness and planning functions; collect and disseminate statistics on requests made to U.S. exporters to cooperate in restrictive trade practices or boycotts; prepare the quarterly report of the Secretary of Commerce on Export Administration to the President and the Congress and prepare all other OEA publications and reports."

LEWIS BOWDEN,
Acting Deputy Assistant Secretary for East-West Trade.

Approved:

JUDITH S. CHADWICK,
Deputy Assistant Secretary for Administrative Management.

[FR Doc.74-27995 Filed 11-29-74;8:45 am]

National Oceanic and Atmospheric Administration

BAREBOAT CHARTERS OF VESSELS TO A COMPANY UNDER FOREIGN CONTROL

Receipt of Application for Approval

Notice is hereby given that, on October 11, 1974, the Maritime Administration of the Department of Commerce received an application from the Citicorp Leasing, Inc., 399 Park Avenue, New York, New York 10022, for the approval of the bareboat charters of the KINGFISH, an oil screw fishing vessel, and the POMPANO, an oilscrew fishing vessel, to Whitney-Fidalgo Seafoods, Inc., 2360 West Commodore Way, Seattle, Washington 98199. Such approval is required by sections 9 and 37 of the Shipping Act, 1916, as amended (46 U.S.C. 808, 835), because 98 percent of the stock of Whitney-Fidalgo Seafoods, Inc., a U.S. corporation, is owned by Kyokuyo Company, Ltd., a Japanese corporation, and the contemplated charters of the vessels therefore would be to a company under foreign control. Whitney-Fidalgo has informed the National Marine Fisheries Service that the vessel, KINGFISH, is 64 feet long and weighs 120 gross tons, and the vessel, POMPANO, is 64 feet long and weighs 122 gross tons. If the application is approved, both vessels will be bareboat chartered for a period of 10 years, with option for renewal, commencing at the time MARAD approval is grated, for operation in the Northeast Pacific Ocean in U.S. fisheries including salmon and shellfish.

The Maritime Administration is the Federal agency responsible for the approval or disapproval of applications submitted pursuant to sections 9 and 37 of the Shipping Act. However, the Maritime Administration customarily solicits the views of the National Marine Fisheries Service before deciding on an application relating to a fishing vessel, and has sought the views of the Service with regard to this application.

Accordingly, the Service solicits the written comments of interested persons in regard to this application. Such comments should be addressed to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before December 27, 1974. In addition, the Service will hold a public hearing on the application at Seattle, Washington, in Room 540, of the Lake Union Building, 1700 Westlake Avenue North, Seattle Washington 98109, on January 16, 1975, at 10 a.m. At this time, interested persons may present oral or written testimony in relation to the application. The applicant and any opponents of the application are encouraged to submit documentary evidence, including factual data, in support of any position taken at the hearing. Inquiries with regard to this notice may be addressed to Mr. Harry Feehan, Staff Attorney, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202) 967-3043.

JACK W. GEHRINGER,
Acting Director.

[FR Doc.74-27956 Filed 11-29-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Fund for the Improvement of Postsecondary Education

SUPPORT FOR IMPROVEMENT OF POSTSECONDARY EDUCATION

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 404

of the General Education Provisions Act (20 U.S.C. 1221d), applications and pre-applications for grants and contracts are being accepted under this section for Fiscal Year 1975.

Pre-applications submitted to the Fund's Comprehensive Program, and applications submitted to the Fund's Special Focus Program, must be postmarked on or before January 15, 1975. Applications submitted to the Fund's National Projects competitions must be postmarked on or before February 17, 1975.

A. Applications sent by mail.

An application sent by mail should be addressed as follows: The Fund for the Improvement of Postsecondary Education, Department of Health, Education, and Welfare, 400 Maryland Avenue, SW, Room 3141, Washington, D.C. 20202.

B. Hand delivered applications.

An application to be hand delivered must be taken to the Fund for the Improvement of Postsecondary Education, Room 3141, Federal Office Building Six, 400 Maryland Avenue, SW, Washington, D.C. Hand delivered applications will be accepted daily between the hours of 9 a.m. and 5 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal Holidays. Applications will not be accepted after 5 p.m. on the closing date.

C. Program information and forms.

Application forms may be obtained from the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, SW, Room 3141 FOB-6, Washington, D.C. 20202.

D. Applicable regulations.

Regulations for this program are included in the notice of proposed rule making published in today's issue at 39 FR 41748. The regulations, when published in final form, will govern the providing of assistance under the program.

(Federal Domestic Assistance Catalogue No. 13.538: Fund for the Improvement of Postsecondary Education)

VIRGINIA B. SMITH,
Director of the Fund for the Improvement of Postsecondary Education.

[FR Doc.74-28065 Filed 11-29-74;8:45 am]

National Institutes of Health

NATIONAL INSTITUTE ON AGING

General Program Announcement

The National Institute on Aging was established on October 7, 1974 (39 FR 36036-7) to conduct and support biomedical, social, and behavioral research and training for research related to the aging process and diseases and other special problems and needs of the aged. Authority for creation of this Institute is derived from Title IV, Part H, of the Public Health Service Act (42 USC 289k-2 et seq.).

The overall goal of the Institute's program is to increase the knowledge of the aging process and associated physical, psychological, and social) factors resulting from advanced age.

The activities of the National Institute on Aging will include:

1. The award of research project grants and research contracts.

2. The issuance of (1) National Research Service Awards to individuals and (2) grants to institutions to make such Awards, for research and research training in aging.

3. The conduct of intramural and collaborative research in aging.

4. The conduct of scientific studies to measure the impact on the biological, medical, and psychological aspects of aging of all HEW programs.

5. The conduct of public information and education programs to disseminate the findings of institute-sponsored and other relevant aging research and studies in addition to the publication of research results in primary journals.

The PHS and NIH policies concerning the administration of project grants will apply to all such grants by the Institute. DHEW General Provisions HEW-315 will be a part of each contract awarded.

Further information concerning the Institute can be obtained by writing:

Director
National Institute on Aging
Building 31, Room 2A04
National Institutes of Health
Bethesda, Maryland 20014

Dated: November 7, 1974.

ROBERT S. STONE, M.D.
Director,
National Institutes of Health.

[FR Doc.74-28062 Filed 11-29-74;8:45 am]

Social and Rehabilitation Service

WORK INCENTIVE PROGRAM

Social and Supportive Services

Notice is hereby given that the methods for calculating annual limits of entitlement for the Work Incentive Program (WIN) set forth in tentative form herein are proposed by the Administrator of the Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare.

On September 24, 1974, the Department published in the FEDERAL REGISTER (39 FR 34319) interim limits of entitlement for the Work Incentive Program (WIN) during the first half of fiscal year 1975. This was to insure that Federal financial participation in expenditures under sections 402(a)(19)(G) and 403(d) did not exceed funds available therefor under Public Law 93-324 for the period July 1, 1974, through December 31, 1974.

The Department proposes that annual limits of entitlement for Fiscal Year 1975 (to replace and supercede the semiannual limits published in the FEDERAL REGISTER on September 24, 1974) be calculated on the basis of the following formula: 1. 75 percent of the total limit of entitlement for all the States will be distributed on the basis of the ratio of each State's total program costs under section 402(a)(19)(G) for Fiscal Year 1974 to the total of such program costs for all States during Fiscal Year 1974. (Such program costs shall be based on information available at the time of promulgation of the limits.)

2. 25 percent of the total limit of entitlement for all the States will be distributed on the basis of the ratio of the amount of funds allocated by the Secretary of Labor in support of the WIN manpower agency for each State in Fiscal Year 1975 to the total amount of funds allocated by the Secretary of Labor in support of the WIN manpower agencies for all States for Fiscal Year 1975. (Such allocations of the Secretary of Labor shall be those available at the time of promulgation of the limits.)

This formula will be applied to the Department's regular appropriation (or, if necessary, to a continuing resolution) for Fiscal Year 1975 at such time as it is enacted into law in order to determine annual limits of entitlement for each State. When these annual limits are promulgated, requests for Federal financial participation in expenditures incurred pursuant to section 402(a)(19)(G) during Fiscal Year 1975 will not be honored to the extent they exceed promulgated limits.

On May 1, 1975, the Department will reallocate on the basis of the same formula established for Fiscal Year 1975 any funds which a survey of all States indicates will not be expended during Fiscal Year 1975. Such funds will be reallocated to those States which indicate a necessity for additional funds to operate their program under 402(a)(19)(G) for the remainder of Fiscal Year 1975.

In addition, the Department proposes that annual limits of entitlement for Fiscal Year 1976 be calculated on the basis of the following formula: 1. 50 percent of the total limit of entitlement for all the States will be distributed on the basis of the ratio of each State's total program costs under section 402(a)(19)(G) for the four most recent fiscal quarters to the total of such program costs for all States during the four most recent fiscal quarters. (Such program costs shall be based on information available at the time of promulgation of the limits.)

2. 50 percent of the total limit of entitlement for all the States will be distributed on the basis of the ratio of the amount of funds allocated by the Secretary of Labor in support of the WIN manpower agency for each State in Fiscal Year 1976 to the total amount of funds allocated by the Secretary of Labor in support of the WIN manpower agencies for all States in Fiscal Year 1976. (Such allocations of the Secretary of Labor shall be those available at the time of promulgation of the limits.)

This formula will be applied to the Department's regular appropriation (or, if necessary, to continuing resolution) for Fiscal Year 1976 at such time as it is enacted into law in order to determine annual limits of entitlement for each State. Requests for Federal financial participation in expenditures incurred pursuant to section 402(a)(19)(G) during Fiscal Year 1976 will not be honored to the extent they exceed limits promulgated on this basis.

On May 1, 1976, the Department will reallocate on the basis of the same formula established for Fiscal Year 1976 any funds which a survey of all States

indicates will not be expended during Fiscal Year 1976. Such funds will be allocated to those States which indicate a necessity for additional funds to operate their program under 402(a)(19)(G) for the remainder of Fiscal Year 1976.

Good cause exists for shortening the normal thirty day comment period for the proposed formula for Fiscal Year 1975 in that the Department must be able to consider comments, publish a final procedure in the FEDERAL REGISTER, and calculate third quarter grant awards prior to January 1, 1975.

Prior to the adoption of the proposed formula for Fiscal Year 1976, consideration will be given to any comments, suggestions, or objections thereto which are received by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, within 30 days of the date of publication. Prior to the adoption of the proposed formula for fiscal Year 1975, consideration will be given to any comments, suggestions, or objections thereto which are received by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, on or before December 15, 1974. Comments received will be available for public inspection in Room 5326 of the Department's offices at 330 C St. SW., Washington, D.C. 20201.

Dated: November 19, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: November 26, 1974.

FRANK CARLUCCI,
Acting Secretary.

[FR Doc.74-28116 Filed 11-29-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

National Highway Traffic Safety Administration

[Docket No. 74-36; Notice 4]

MARYLAND

Interim Agreement

Notice is hereby given of an interim disposition of the highway safety program sanctions proceeding involving the State of Maryland, as announced in the FEDERAL REGISTER on October 21, 1974 (39 FR 37411). The proceeding was begun by the Federal Highway Administration and the National Highway Traffic Safety Administration as a result of Maryland's failure to enact legislation making it presumptively unlawful to drive with a blood alcohol concentration of 0.10 percent (W/V) or higher.

After the announcement of the sanctions proceeding, the Governor of Maryland requested an opportunity to present information that could form the basis for a consent determination between the parties, pursuant to 49 CFR 1206.9. An informal meeting was accordingly held between representatives of the parties on November 6, 1974. As a result of this meeting, the parties have agreed to an interim disposition of the proceeding. The terms of the agreement are as follows:

The Governor of Maryland has agreed to introduce a bill in the 1975 session of the legislature to make driving with a BAC of 0.10 percent prima facie evidence that the defendant's driving ability was impaired by the consumption of alcohol. The Governor has further agreed to sponsor the bill as an administration bill, rather than as a departmental bill. The Governor has further agreed to the holding of a sanctions hearing in May of 1975, should the bill fail to pass. The Governor has agreed, finally, that the Secretary may: (a) Suspend Maryland's Fiscal 1976 highway safety apportionment under 23 U.S.C. 402(c) pending his ultimate disposition of this proceeding, and (b) apportion Maryland's Fiscal 1976 Federal-aid highway funds subject to the condition that should an administrative proceeding ultimately result in a final determination by the Secretary which is adverse to the interests of Maryland, the Secretary may then, as of that date, impose such sanctions and take such action as he might validly have imposed or taken should this matter have proceeded to an administrative hearing, as previously scheduled, on the 25th day of November, 1974 and have resulted in a similarly adverse determination promptly thereafter and prior to apportionment.

The Administrators of the Federal Highway Administration and the National Highway Traffic Safety Administration, on their part, have agreed to postpone the sanctions hearing until May 15, 1975, and to terminate the proceedings altogether if the proposed Maryland bill is enacted. The Administrators have further agreed that they will consider the Maryland legislation acceptable if it establishes a 0.10 percent blood alcohol level as prima facie evidence of unlawful driving regardless of whether the unlawful condition is called "impaired," "intoxicated," or "under the influence."

On the basis of the renewed commitment by the executive branch of the State of Maryland, and on the basis of representations made by Maryland concerning the legislature's receptiveness to a bill establishing a prima facie evidence of an impaired condition rather than a presumption of intoxication, the Administrators have concluded that Maryland should be permitted until the end of the 1975 session of its legislature or May 15, 1975, whichever is earlier, to enact the 0.10 percent blood alcohol concentration bill.

The Administrators have submitted their proposed agreement with Maryland for my review. Upon considering their recommendations, I have determined that the agreement serves the interests of highway safety and that it should be accepted.

Accordingly, pursuant to 23 CFR 1206.9(c), I have accepted the agreement as a suitable interim disposition of the sanctions proceeding and have directed that the sanctions hearing for Maryland be postponed until May 15, 1975. In accordance with the terms of the agreement, I hereby direct (1) that upon apportionment of the highway safety funds for Fiscal Year 1976 the apportionment to Maryland will be suspended pending the outcome of any subsequent proceedings in this matter, and (2) that upon apportionment of the Federal-aid highway construction funds for Fiscal Year 1976 the condition be inserted with respect to Maryland that Maryland's apportionment may be reduced upon an adverse determination in this matter.

Unless notice to the contrary is published in the FEDERAL REGISTER, the hearing will be held beginning at 10 a.m. in Room 2230 at the Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, D.C. 20590.

Written comments should be submitted to the Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590, not later than 15 days following the close of the hearing. Persons who intend to make oral statements at the hearing should submit their requests, together with an estimate of the time required, to the Presiding Officer, Sanctions Hearing Board, Room 5219, 400 Seventh Street SW., Washington, D.C. 20590, not later than 5 days before the hearing date.

(Sec. 101, Pub. L. 89-564, 80 Stat. 731 (23 U.S.C. 402))

Issued on: November 27, 1974.

CLAUDE S. BRINEGAR,
Secretary,
Department of Transportation.

[FR Doc.74-28218 Filed 11-29-74;8:45 am]

Highway Safety Act Sanctions Review Board

[Docket No. 74-36; Notice 5]

PROPOSED RECOMMENDED DETERMINATION TO INVOKE SANCTIONS; MARYLAND

Postponement of Sanctions Hearing

In accordance with the decision of the Secretary of Transportation, published in today's edition of the FEDERAL REGISTER on this page, to approve an interim settlement of the Highway Safety Act sanctions proceeding against Maryland, the hearing date is hereby postponed from December 2, 1974 (39 FR 37411, 39 FR 41003) to May 15, 1975.

((23 U.S.C. 402), 23 CFR 1206)

Issued on November 27, 1974.

GLENN J. SEDAM,
Presiding Officer,
Sanctions Hearing Board.

[FR Doc.74-28219 Filed 11-29-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON RIVER BEND STATION, UNITS 1 & 2

Meeting

NOVEMBER 25, 1974.

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on River Bend Station, Units 1 & 2, will hold a meeting on December 17, 1974 in Room 1046, 1717 H Street, N.W., Washington, D.C. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of Gulf States Utilities Company for a permit to construct this nuclear power plant. The facility is located in West Feliciana Parish, two miles east of the Mississippi River and approximately 20 miles north-northwest of Baton Rouge, Louisiana.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

TUESDAY, DECEMBER 17, 1974, 9:00 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee will hear presentations by representatives of the Regulatory Staff and Gulf States Utilities Company and will hold discussions with these groups pertinent to its review of the application of Gulf States Utilities Company for a permit to construct the River Bend Station, Units 1 & 2.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the Regulatory Staff and Applicant for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction and operation, if necessary.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552 (b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than December 10, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and at the Audubon Library, West Feliciana Branch, St. Francisville, Louisiana 70775.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on December 17, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on December 16, 1974 to the Advisory Committee on Reactor Safeguards (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the metting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after December 19, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and within approximately nine days at the Audubon Library, West Feliciana Branch, St. Francisville, Louisiana 70775. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone: 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after March 21, 1975. Copies may be obtained upon payment of appropriate charges.

[SEAL] JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-27963 Filed 11-29-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON SUMMIT POWER STATION

Cancellation of Meeting

NOVEMBER 25, 1974.

The December 4, 1974 meeting of the Advisory Committee on Reactor Safeguards' Subcommittee on Summit Power Station has been cancelled. The original notice was published on November 11, 1974, 39 FR 39756.

JOHN C. RYAN,
Management Officer. Advisory Committee

[FR Doc.74-27962 Filed 11-29-74;8:45 am]

[Docket Nos. 50-3 and 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Issuance of License Amendments

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 9 to Provisional Operating License No. DPR-5 for Indian Point Nuclear Generating Unit No. 1, and Amendment No. 11 to Facility Operating License No. DPR-26 for Indian Point Nuclear Generating Unit No. 2, to Consolidated Edison Company of New York, Inc. Both units are located in Westchester County, State of New York. The amendments are effective as of their date of issuance.

The amendments permit the Environmental Protection Committee, established for administrative controls, to conduct an independent review and audit of the Company's nonradiological environmental monitoring, surveillance, and special studies program described in the Environmental Technical Specifications, to advise and report directly to the Chairman and Vice Chairman of the Board, the President, the Senior Vice President, Construction, Engineering, and Environmental Affairs, and the Senior Vice President, Power Supply, of the Company.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

For further details with respect to these actions, see: (1) The application for the amendments dated December 6, 1973, June 14 and October 16, 1974; (2) Amendment No. 9 to License No. DPR–5 with its attachment, Change No. 65, (3) Amendment No. 11 to License No. DPR–26 with its attachment, Change No. 8 and (4) the Commission's related Environmental Evaluation.

All of the above items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548. Copies are also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207, and the Tri-State Regional Planning Commission, 100 Church Street, New York, New York 10007.

A copy of item (4) 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 Rockville, Maryland, this 25th day of November 1974.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Directorate of Licensing.

[FR Doc.74–27965 Filed 11–29–74;8:45 am]

[Docket No. 50–334]

DUQUESNE LIGHT CO., ET AL.

Order Convening Prehearing Conference

The Atomic Safety and Licensing Board has previously indicated an intention to convene a prehearing conference and the parties participating in this remaining portion of the proceeding have stated that their schedules permit a prehearing conference on December 19, 1974.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, that a prehearing conference in this proceeding shall convene at 9:30 A.M. on Thursday, December 19, 1974 in the Auditorium at Headquarters, U.S. Atomic Energy Commission in Germantown, Maryland.

Issued: November 25, 1974, Germantown, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.74–27966 Filed 11–29–74;8:45 am]

LAWRENCE AWARD NOMINATION-SCREENING GROUPS GENERAL ADVISORY COMMITTEE

Meetings

NOVEMBER 26, 1974.

In acordance with the purposes of section 157b(3) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2036), the General Advisory Committee has scheduled five groups to screen the nominations received for the Ernest Orlando Lawrence Memorial Award of the USAEC for 1975. Each group will meet in executive session for one day, beginning at 9:00 a.m., on December 16, January 10, 13, 17, and March 3 as follows:

Dec. 16, 1974	Weapons Subcommittee, at the AEC office in Oakland, Calif.
Jan. 10, 1975	Chemistry & Metallurgy Panel, at the AEC office in Washington, D.C.
Jan. 13, 1975	Physics Panel, at the AEC office in Washington, D.C.
Jan. 17, 1975	Biology & Medicine Panel, at the AEC office in Washington, D.C.
Mar. 3, 1975	Reactors Subcommittee, at the Lawrence Livermore Laboratory, Livermore, Calif.

The meetings will be in their entirety the exchanges of opinions and the formulation of recommendations to the General Advisory Committee relative to the nominating letters. The work of three groups (Weapons, Chemistry & Metallurgy and Physics) will also include the review and discussion of classified documents, and that of all panels will include discussion of privileged documents. I have determined in accordance with subsection 10(d) of Public Law 92–463, that these five meetings will consist of exchanges of opinions, and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); that all five meetings will also include discussion of certain documents considered privileged and which fall within exemption (4) of 5 U.S.C. 552(b); and three of the meetings (Weapons, Chemistry & Metallurgy and Physics) will also involve review and discussion of classified documents considered exempt under exemptions (1) and (3) of 5 U.S.C. 552(b). Further, any nonexempt material that will be discussed during these meetings will be inextricably intertwined with exempt material, and no separation of this material is considered practical. It is essential to close these meetings to protect such privileged information and protect the free interchange of internal views and avoid undue interference with Committee operation; and in addition for the three groups noted above, to protect such classified information.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–27982 Filed 11–29–74;8:45 am]

[Docket No. 50–298]

NEBRASKA PUBLIC POWER DISTRICT

Notice of Issuance of Amendment to Facility Operating License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on October 16, 1974 (39 FR 37000), the Atomic Energy Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. DPR–46 to the Nebraska Public Power District (the licensee) for the Cooper Nuclear Station (the facility) located in Nehema County, Nebraska. The amendment is effective as of its date of issuance.

The license amendment revised the Technical Specifications for the facility to allow an increase in the maximum average planar linear heat generation curves in accordance with the licensee's application for amendment dated May 28, 1974.

The Commission has found that the information filed by the licensee pertaining to the above action dated May 28, 1974 complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Copies of (1) Amendment No. 8 with Change No. 11 to the Technical Specifications of Facility Operating License No. DPR–46, and (2) the Commission's Safety Evaluation dated October 9, 1974 are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and at the Auburn Public Library, 1118–15th Street, Auburn, Nebraska 68305. Singles copies of items 1 and 2 may be obtained upon request addressed to the U.S. Atomic Energy Commission, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 21st day of November 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2 Directorate of Licensing.

[FR Doc.74–27964 Filed 11–29–74;8:45 am]

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS, FLOATING NUCLEAR POWER PLANTS

Order Resetting Second Prehearing Conference

On November 15, 1974, the Atomic Safety and Licensing Board (the Board) issued a Notice and Order scheduling the Second Prehearing Conference in the above-captioned proceeding for December 9, 1974, in Washington, D.C. On November 22, 1974, the Applicant, Offshore Power Systems, requested that this Second Prehearing Conference be continued from December 9, 1974, until the first week in January 1975 because of scheduling conflicts. The other parties to this proceeding did not object to the continuance.

Accordingly, please take notice that the Second Prehearing Conference in the above-captioned proceeding will be continued from December 9, 1974, until 10 a.m., local time on January 7, 1975. The Second Prehearing Conference will be held in the Atomic Safety and Licensing Board Panel's hearing room, 12th floor, Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland, and will cover the items specified in the Board's aforementioned Notice and Order of November 15, 1974.

Issued at Bethesda, Maryland, this 26th day of November 1974.

By Order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.74-28038 Filed 11-29-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON ZION STATION, UNITS 1 & 2

Change of Meeting Time and Location

NOVEMBER 26, 1974.

The Federal Register Notice, published at 39 Fed. Reg. 40602 (November 19, 1974), relating to the December 4, 1974 meeting of the ACRS Subcommittee on Zion Station, Units 1 & 2, is revised as follows:

(1) The portion of the meeting which will be open to the public will begin at 1:30 p.m.

(2) The location of the meeting is changed from Room 1062 to Room 1046 at 1717 H Street NW.

In addition to the changes noted above, the original notice inadvertently referred to Unit 1. The Subcommittee will be considering both Units 1 and 2.

Other matters pertaining to this meeting remain unchanged.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-28133 Filed 12-2-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27185]

LAS VEGAS-CALGARY/EDMONTON ROUTE PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 7, 1975, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Thomas P. Sheehan.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before December 18, 1974, and the other parties on or before December 27, 1974. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., November 25, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.74-28088 Filed 11-29-74;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Deletion From Procurement List

Notice of proposed deletion from Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on September 26, 1974 (39 FR 34601).

Pursuant to the above notice the following commodities are deleted from Procurement List 1975.

CLASS 5330

Packing, Preformed (Grommets) (IB): 5330-00-543-7172, 5330-00-543-7173, 5330-00-242-3676, 5330-00-543-7174, 5330-00-242-3679, 5330-00-543-7175, 5330-00-242-3675, 5330-00-543-7176, 5330-00-543-7177, 5330-00-543-7178, 5330-00-543-7179.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-28036 Filed 11-29-74;8:45 am]

DEFENSE MANPOWER COMMISSION

NOTICE OF MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on December 17, 1974, at 10 a.m. in the New Executive Office Building, Room 2008, 726 Jackson Place NW., Washington, D.C.

The purpose of the meeting will be to review staff progress on program items and such other business as may be presented by the members.

The meeting will be open to the public. Interested persons wishing to attend should telephone 202/254-7803 before the close of business, December 11, 1974.

Dated: November 26, 1974.

BRUCE PALMER, Jr.,
General, USA (Ret) Executive Director.

[FR Doc.74-28115 Filed 11-29-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50006A; (FRL 300-8)]

DEPARTMENT OF THE INTERIOR

Amendment to Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 983), the Environmental Protection Agency (EPA) granted an experimental use permit to the Department of the Interior on May 28, 1974. This permit (No. 6704-EXP-6G) allowed the use of sodium cyanide in the sodium cyanide spring-loaded ejector mechanism (SCSLEM) in an experimental program approved by EPA and under the supervision and control of approved SCSLEM applicators as designated by the Department of the Interior. Notice of the issuance of the permit was published in the FEDERAL REGISTER on June 12, 1974 (39 FR 20633).

The Department of the Interior has requested an extension of the time period and an increase in the number of mechanisms and capsules allowed. This extension was granted on October 30, 1974, and is subject to the following conditions:

1. The duration of this experimental use permit extension shall be from November 1, 1974, through October 31, 1975.

2. The Department of the Interior will provide EPA with monthly reports of data resulting from use under the permit extension.

3. The Department of the Interior will submit an interim report to EPA by July 1, 1975, summarizing all of the data obtained under the permit through June 1, 1975.

4. A final report and analysis will be submitted by the Department of the Interior to EPA within 30 days after completion of the program.

5. The increase of an additional 10,000 mechanisms and an additional 100,000 capsules is approved.

This permit may be revoked at any time for violation of the terms thereof, or to avoid deleterious effects on the environment. Interested parties may review the file on this subject in the Office of the

Director, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Room E-347, Washington, D.C. 20460.

Dated: November 22, 1974.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-27951 Filed 11-27-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20237, 20238, 20239 File Nos. BPH-8683; BPH-8759, BPH-8899]

CAPITAL CITY FM, INC. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of CAPITAL CITY FM, INC. Tallahassee, Florida requests: 103.1 MHz; Channel #276; 3 kW (H&V); 300 feet; PHILLIPS RADIO, INC., Tallahassee, Florida requests: 103.1 MHz; Channel #276; 3 kW (H&V); 300 feet; AMRA CORPORATION, Tallahassee, Florida requests: 103.1 MHz; Channel #276; 3 kW (H&V); 300 feet; for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in Tallahassee, Florida.

2. Capital City FM, Inc. (Capital City) will require a total of $74,400 to construct and operate the proposed facility for a period of one year, without revenue, itemized as follows:

Down payment on equipment	$8,167
Twelve months' principal payments on equipment	8,167
Twelve months' interest payments on principal balance	1,066
Building	3,000
Miscellaneous	6,000
Working capital	48,000
Total	74,400

To meet this requirement Capital City, in its amended statement on financing, states that it will rely on $1,000 of new capital from stock subscriptions and a personal loan from one of its principals. The balance sheets of the subscribers indicate that adequate funds are available to meet their subscriptions. In addition, Wallace Hoy, majority shareholder of the applicant, has agreed to loan Capital City $71,000. Mr. Hoy's balance sheet and other financial data indicate that funds are available to make the loan. Thus, Capital City's financial data show $72,000 available to meet a $74,400 requirement. Accordingly, a financial issue will be specified.

3. Although Capital City's general public survey was conducted by prospective employees of the applicant, there is no indication that the interviewers were prospective management-level employees or, if not, that they were under the supervision of principals, management-level employees, or prospective management-level employees of the applicant. In view of the requirements of questions and answers 11(a) and 11(b) of the Primer, and the Commission's recent decision in Voice of Dixie, Inc., 45 FCC 2d 1027 (1974), an appropriate issue will be included.

4. Because of the failure of Phillips Radio, Inc., to indicate the date of its community leader and general public surveys, the Commission is unable to determine whether its ascertainment efforts were conducted within six months of the filing of its application. In view of the requirement of question and answer 15 of the Primer, an appropriate issue will be included.

5. Since both Phillips Radio, Inc., and Amrad Corporation propose predominantly Black-oriented programming, while Capital City proposes general market programming, the relative need for these different types of programming will be considered under the standard comparative issue. Rocket Radio, Inc., FCC 74-952 (1974); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965).

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to the application of Capital City, FM, Inc.:

(a) Whether the applicant has available additional funds over and above the $72,000 noted in paragraph 2, supra, to meet first-year construction and operation costs; and

(b) Whether, in light of the evidence adduced pursuant to (a), above, the applicant is financially qualified to construct and operate as proposed.

2. To determine the efforts made by Capital City FM, Inc., to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

3. To determine the efforts made by Phillips Radio, Inc., to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

8. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

9. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: November 19, 1974.

Released: November 22, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] PAUL W. PUTNEY,
Acting Chief, Broadcast Bureau.

[FR Doc.74-28033 Filed 11-29-74;8:45 am]

COMMON CARRIER SERVICES INFORMATION [1]

[Report No. 729]

Domestic Public Radio Services Applications Accepted for Filing [2]

NOVEMBER 25, 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

[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).

application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to Section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20752–CD–P–(2)–75, South Central Bell Telephone Company (KIG287). C.P. to relocate facilities operating on 152.72 & 152.78 MHz to be located at 100 No. Franklin Street, Mobile, Alabama.

20753–CD–P–75, Telephone Answering Bureau, Inc. (new). C.P. for new one-way station to operate on 152.24 MHz to be located at the Medical Center Hospital of Vermont, Burlington, Texas.

20754–CD–P–75, Clayton O. Thompson d/b/a Tri-County Mobilfone (new). C.P. for new station to operate on 152.03 MHz to be located 1 mile east of Teague on Hwy #179, Teague, Texas.

20755–CD–AL–75, Ray G. Winn & Jackie R. Barrett d/b/a Mobile Phone Services. Consent to Assignment of License from Ray G. Winn & Jackie R. Barrett d/b/a Mobile Phone Services, Assignor, to Sally A. Beard d/b/a Mt. Pleasant Communications, Assignee. Station: KUO619, Mt. Pleasant, Texas.

20756–CD–AL–(4)–75, Radio Paging Service. Consent to Assignment of License from Radio Paging Service, Assignor, to Lubbock Radio Paging Service, Inc., Assignee. Stations: KKE970, KKQ965, & KLF600, Lubbock, Texas; KLU49, Temp-Fixed.

20757–CD–P–75, Tri-Cities Answering Service, Inc. (new). C.P. for new station to operate on 152.12 MHz to be located 0.75 mile East of Sayre, Pennsylvania.

20758–CD–P–(8)–75, Hawaiian Telephone Co. (KUA216). C.P. to relocate facilities operating on 152.51, 152.63, 152.69, & 152.81 MHz at Loc. #1: 2.9 miles NE. of Honolulu, Mt. Tantulus, Hawaii; relocate same facilities as listed above at Loc. #3: Puu Papaa Ridge, 2 miles NW. of Kailua, Puu Papaa, Hawaii.

20759–CD–P–75, Lafourche Telephone Company, Inc. (KQZ731). C.P. to add transmitter site operating on 152.84 MHz to be located at Fourchon Port, 9 miles south of Leeville, Louisiana.

20760–CD–P–75, Southwestern Bell Telephone Company (KKA782). C.P. to add test facilities operating on 157.95 MHz to be located at 308 South Akard Street, Dallas, Texas.

20761–CD–P–75, United Telephone Company of Missouri (new). C.P. for new station to operate on 152.57 MHz to be located at 301 East Pearl, Harrisonville, Missouri.

20762–CD–P–75, Northern Iowa Telephone Company (new). C.P. for new station to operate on 152.81 MHz to be located at West Luhm Street, Sanborn, Iowa.

20764–CD–P–(2)–75, The Mountain States Telephone and Telegraph Company (KOE-513). C.P. for additional facilities operating on 152.54 and 152.66 MHz at Loc. #1: 6.0 miles south-southwest of Casper, Natrona County, Wyoming; add test facilities operating on 157.80 and 157.92 MHz at Loc. #2: 103 North Durbin Street, Casper, Wyoming.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

Major amendment

1262–C2–P–73, Gabriel Communications Corp. d/b/a Boca Mobilphone, KFQ941, which originally appeared on the Commission's Public Notice #612 dated 9/5/72, amended on PN #678 dated 12/10/73, and corrected on PN #689 dated 2/25/74, is hereby amended to show the base station location to be 1891 N. Seacrest Blvd., Boynton Beach, Florida, Lat. 26°32'46" N., Long. 80°04'04" W. All other particulars are to remain as previously reported.

RURAL RADIO

60171–CR–P–75, RCA Alaska Communications, Inc. (new), Ptarmigan, Alaska. Amend frequency 157.0375 to read 155.-6075 MHz. All other particulars are to remain the same as reported on PN #728, dated November 18, 1974.

60172–CR–P–75, RCA Alaska Communications, Inc. (new), Keystone, Alaska. Amend frequencies 161.4625 & 161.5875 to read 161.0375 & 161.0675 MHz. All other particulars are to remain the same as reported on PN #728, dated November 18, 1974.

60173–CR–P–75, RCA Alaska Communications, Inc. (new), Remote Block Valve #121. Amend frequency 157.1875 to read 155.6375 MHz. All other particulars are to remain the same as reported on PN #728, dated November 18, 1974.

60174–CR–P–75, Remote Block Valve #121A—Same as Above.

60175–CR–P–75, Remote Block Valve #123—Same as Above.

60176–CR–P–75, Remote Block Valve #124—Same as Above.

60177–CR–P–75, Remote Block Valve #125—Same as Above.

60178–CR–P–75, Valdez Terminal, Alaska—Same as Above.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reason of economic competition or potential electrical interference.

Otis L. Hale d/b/a Mobilfone Communications, West Memphis, Arkansas (new), 8942–C2–P–(2)–73.

AAA Anserphone, Inc., Jackson, Southaven, Mississippi (new), 20023/20033–C2–P–74.

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reasons of potential electrical interference.

Washington

Yakima Telephone Answering Service, Inc. Yakima, Washington (new), 20978–C2–P–74.

Yakima County Communications, Yakima, Washington (new), 21309–C2–P–74.

60191–CR–P/L–75, The Mountain States Telephone & Telegraph Company (new). C.P. for new rural subscriber station to operate on 157.77 MHz to be located 38.3 miles east of Rock Springs, Wyoming.

60192–CR–P/L–75, The Mountain States Telephone and Telegraph Company (new). C.P. for a new rural subscriber station to operate on 157.77 MHz to be located 38.4 miles east of Rock Springs, Wyoming.

POINT-TO-POINT MICROWAVE RADIO SERVICE

1156–CF–P–75, Southern Pacific Communications Company (new), 3.7 miles North of Woodworth, Illinois. Lat. 40°40'55" N., Long. 87°54'32" W. C.P. to add frequency 6256.5V to new point of communications toward Earl Park, Indiana, on azimuth 90°16'.

1157–CF–P–75, same (WAH604), 3.5 miles South of Earl Park, Indiana. Lat. 40°38'43" N., Long. 87°25'02" W. C.P. to add frequency 6004.5V to new point of communications toward Woodworth, Illinois, on azimuth 275°54'.

1490–CF–P–75, same (WAH682), 1.25 miles West of Pemberville, Ohio. Lat. 41°24'50" N., Long 83°29'16" W. C.P. to add frequency to new point of communication on 5945.2V MHz toward Raab Corners, Ohio, on azimuth 317°07'.

1491–CF–P–75, same (new), 2 miles East of Raab Corners, Ohio. Lat. 41°38'59" N., Long. 83°46'49" W. C.P. for new station on frequency 6197.2V MHz toward Pemberville, Ohio, on azimuth 136°55' and 6197.2H MHz toward Holloway, Michigan, on azimuth 343°02'.

1492–CF–P–75, same (new), 0.75 miles North of Holloway, Michigan, on Bill Meyer Road. Lat. 41°57'35" N., Long. 83°54'25" W. C.P. for new station on frequency 5945.2H MHz toward Raab Corners, Ohio, on azimuth 162°58' and 5945.2H toward Stony Creek, Michigan, on azimuth 41°06'.

1493–CF–P–75, same (new), 0.8 miles North of Stony Creek, Michigan. Lat. 42°10'13" N., Long. 83°39'35" W. C.P. for new station on frequency 6197.2H MHz toward Holloway, Michigan, on azimuth 221°16' and 6197.2V MHz toward Northville, Michigan, on azimuth 13°18'.

1494—CF–P–75, same (new), 2.6 miles West of Northville, Michigan. Lat. 42°27'42" N., Long. 83°34'00" W. C.P. for new station on frequency 5945.2V MHz toward Stony Creek, Michigan, on azimuth 193°22' and 6004.5V MHz toward Detroit, Michigan, on azimuth 108°24'.

1495–CF–P–75, same (new), Book Building, 1249 Washington Blvd., Detroit, Michigan. Lat. 42°20'00" N., Long. 83°03'05" W. C.P. for new station on frequency 6256.5H MHz toward Northville, Michigan, on azimuth 288°45'.

1496–CF–P–75, Southern Bell Telephone and Telegraph Company (KIY59), 1645 Hampton Street, Columbia, South Carolina. Lat. 34°00'29" N., Long. 81°01'42" W. C.P. to add 4090V MHz towards Chapin, South Carolina, on azimuth 299°12'.

1497–CF–P–75, same (KIY60), 3.5 miles NW. of Chapin, South Caroina. Lat. 34°11'11" N., Long. 81°24'49" W. C.P. to add 4050V MHz towards Clinton, South Carolina, on azimuth 306°17'.

1498–CF–P–75, same (KIY61), 208 Broad Street, Clinton, South Carolina. Lat. 34°28'13" N., Long. 81°52'55" W. C.P. to add 4090V MHz towards Paris Mountain, South Carolina, on azimuth 317°18'.

1499–CF–P–75, same (KIY62), On Paris Mountain, 6 miles North of Greenville, South Carolina. Lat. 34°56'29" N., Long. 82°24'40" W. C.P. to add 11485H MHz towards Greenville, South Carolina, on azimuth 173°56'.

1500–CF–P–75, same (KIY63), 218 College Street, Greenville, South Carolina. Lat. 34°51'19" N., Long. 82°24'00" W. C.P. to add 10955V MHz towards Paris Mountain, South Carolina on azimuth 353°56'.

1501–CF–MP–75, Central Telephone Company, Inc. (WQR 7), 2.4 miles NW. of Saint Joe, Texas. Lat. 33°43'42" N., Long. 97°31'38" W. Mod. C.P. to change equipment type on 5974.8H MHz towards Sunset, Texas, on azimuth 216°05'; and 6004.5H MHz towards Montague, Texas, on azimuth 248°25'.

1502–CF–MP–75, same (WQR78), Corner of East Front and Michigan Streets, Sunset, Texas. Lat. 33°27'19" N., Long. 97°45'56" W. Mod. C.P. to change 6063.8H to 6315.9H MHz towards Alvord, Texas, on azimuth 148°44'; change type of equipment on above frequency and 6256.5H MHz towards Saint Joe, Texas, on azimuth 35°57'.

1503–CF–P–75, Northwestern Bell Telephone Company (KAX45), 118 South 19th Street, Omaha, Nebraska. Lat. 41°15'32" N., Long. 95°56'28" W. C.P. to add 4150V MHz towards Gretna, Nebraska, on azimuth 232°24'.

1504–CF–P–75, same (KVI33), 4.5 miles South of Gretna, Nebraska. Lat. 41°04'29" N., Long. 96°15'23" W. C.P. to add 4110V MHz towards Omaha, Nebraska, on azimuth 52°12'; 4110H MHz towards Lincoln, Nebraska, on azimuth 232°05'.

1505–CF–P–75, Southern Bell Telephone and Telegraph Company (KJA90), Anderson Mountain, 6.5 miles ESE. of Maiden, North Carolina. Lat. 35°33'57" N., Long. 81°05'26" W. C.P. to replace transmitter on freq. 6256.5H and 6375.2H MHz towards Gastonia, North Carolina, on azimuth 194°01'.

1521–CF–MP–75, KHC Microwave Corp. (WAH543), 4.5 Miles SW. of Lafayette Louisiana. Lat. 30°09'51" N., Long. 92°05' 16" W. Mod. of C.P. to (a) change transmitter and (b) change antenna system toward Catahoula, La., on azimuth 86°07'.

1522–CF–MP–75, KHC Microwave Corp. (WQR29), 2 Miles South of Catahoula, Louisiana. Mod. of C.P. to (a) change transmitter (b) change antenna system and (c) change azimuth to 94°22' toward Bayou Sorrel, La.

1523–CF–MP–75, same (WAR28), 2 Miles East of Bayou Sorrel, Louisiana. Mod. of C.P. to change coordinates to read Lat. 30°09'-39.9" N., Long. 91°19'58" W. toward a new point of communication at Donaldsonville, La., on azimuth 101°17'.

1524–CF–MP–75, same. (WAH542), 2 Miles West of Donaldsonville. Lat. 30°06'27" N., Long. 91°01'22" W. Mod. of C.P. to change freqs. 6197.2H and 6256.5H toward a new point of communication at Baton Rouge, Louisiana, on azimuth 343°39'.

1525–CF–P–75, same. (new), South of Louisiana Highway in Vacherie, Louisiana. Lat. 30°00'49" N., Long. 90°42'40" W. C.P. for a new station on 5945.2V toward Donaldsonville, Louisiana, on azimuth 289°11'. (Note: Waiver of 21.701(i) requested by KHC).

1526–CF–P–75, Eastern Microwave, Inc. (KEM58), Helderberg Mtn., New York. Lat. 42°38'12" N., Long. 73°59'45" W. C.P. to add 6212.0V MHz, via power split, toward Equinox Mtn., Vermont, on azimuth 50 degrees, 17 Minutes.

1527–CF–P–75, same (new), Equinox Mtn., 2.3 Miles West of Manchester, Vermont. Lat. 43°09'56" N., Long. 73°07'14" W. C.P. for a new station on 6093.5V MHz toward Beech Hill (KCK71), New Hampshire, on azimuth 107 degrees, 53 minutes. (Note: Waiver of 21.701(i) is requested by Eastern.)

1528–CF–P–75, same. (KCK71), Beech Hill, 7.0 miles East of Marlboro, New Hampshire. Lat. 42°54'41" N., Long. 72°04'11" W. C.P. to add 11265V MHz toward Gardner (Wan 75), Massachusetts, on azimuth 167 degrees, 28 minutes.

1529–CF–P–75, same (WAN75), 1.0 mile ESE. of Gardner, Massachusetts. Lat. 42°33'33" N., Long. 71°57'50" W. C.P. to add 1135 MHz toward Fitchburg, Massachusetts, on azimuth 88 degrees, 19 minutes.

1506–CF–P–75, Southern Bell Telephone and Telegraph Company (KJL99), 220 South Street, Gastonia, North Carolina. Lat. 35° 15'39" N., Long. 81°11'00" W. C.P. to change antenna location, frequency, transmitter and power on 6034.2H and 6152.8H MHz to 6004.5V and 6123.1V MHz towards Anderson Mtn., North Carolina on azimuth 13°57'.

1507–CF–ML–75, The Pacific Telephone and Telegraph Company (KMU53), 1.1 mile NW. of Jackson, California. Lat. 38°21'42" N., Long. 120°47'09" W. Mod. of Lic. to change polarity from H to V on 3770, 3850, 3930, 4010, 4090 MHz towards Lodi, California, on azimuth 242°27'.

1508–CF–ML–75, same (KNL75), 1.2 miles WNW. of Lodi, California. Lat. 38°08'31" N., Long. 121°18'58" W. Mod. of Lic. to change polarity from H to V on 3730, 3810, 3890, 3970, and 4050 MHz towards Jackson, California, on azimuth 62°07'.

1510–CF–ML–75, American Telephone and Telegraph Company (KCA23), 185 Franklin Street, Boston, Massachusetts. Lat. 42° 21'20" N., Long. 71°03'21" W. Mod. of Lic. to change polarity from H to V on 4090 MHz towards Nobscot, Massachusetts, on azimuth 268°18'.

1511–CF–ML–75, same (KEB39), 1 mile South of Bridgeboro, New Jersey. Lat. 40°00'35" N., Long. 74°55'54" W. Mod. of Lic. to change polarity from H to V on 3710, 3790, 3870, & 3950; from V to H on 3730, 3810, 3890, 3970, and 4050 MHz towards Philadelphia, Pennsylvania, on azimuth 252°19'; change freq. 5989.6H MHz to 5989.7H MHz towards Camden, New Jersey, on azimuth 245°30'.

1512–CF–ML–75, same (KSF72), 1 mile N. of Chaffey, Wisconsin. Lat. 46°24'30" N., Long. 92°09'55" W. Mod. of Lic. to change polarity from H to V on 3710, 3790, 3870, 3950, 4030, and 4110 MHz; from V to H on 4050, and 4130 MHz towards Duluth, Minnesota, on azimuth 06°26'.

1513–CF–ML–75, same (KSP73), 1.2 miles SE. of Hardinsburg, Washington. Lat. 38°25'38" N., Long. 86°17'30" W. Mod. of Lic. to change polarity from H to V on 3710, 3790, 3870, 4110 MHz and from V to H on 3810, 3970, 4050, and 4130 MHz towards Edwardsville, Indiana, on azimuth 118°55'.

1514–CF–ML–75, same (KSP74), 1.8 miles SW. of Edwardsville, Indiana. Lat. 38°16'18" N., Long. 85°56'11" W. Mod. of Lic. to change polarity from H to V on 3750, 3830, & 3910 MHz; from V to H on 3850, 4010, 4090, and 4170 MHz towards Hardinsburg, Indiana, on azimuth 299°09'.

1515–CF–MP–75, Southwestern Bell Telephone Company (KLS71), Bee Branch, 2.5 miles Northwest of Bee Branch, Arkansas. Lat. 35°28'33" N., Long. 92°25'53" W. Mod. of C.P. to remove diversity antenna on 6123.1H MHz and add 5945.2H MHz towards Cadron Ridge, Arkansas, on azimuth 189°04'; remove diversity antenna on 6123.1V MHz and add 5945.2V MHz towards Botkinburg, Arkansas, on azimuth 344°32'.

1516–CF–MP–75, Southwestern Bell Telephone Company (KLS72), 2.25 miles North of Botkinburg, Arkansas. Lat. 35°43'32" N., Long. 92°30'58" W. Mod. C.P. to remove diversity antenna on 6375.2V MHz and add 6197.2V MHz towards Marshall, Arkansas, on azimuth 329°38'; remove diversity antenna on 6375.2H and add 6197.2H MHz towards Bee Branch, Arkansas, on azimuth 164°29'.

1517–CF–MP–75, same (KLS73), 1.75 miles South of Marshall, Arkansas. Lat. 35°52'49" N., Long. 92°37'39" W. Mod. C.P. to remove diversity antenna on 6123.1V and add 5945.2V MHz towards Boat Mountain, Arkansas, on azimuth 305°05'; remove diversity antenna on 6123.1H and add 5945.2H MHz towards Botkinburg, Arkansas, on azimuth 149°35'.

1518–CF–MP–75, same (KLS75), Boat Mountain, 4 miles West of Western Grove, Arkansas. Lat. 36°06'37" N., Long. 93°01'56" W. Mod. C.P. to remove diversity antenna on 6375.2H and add 6197.2H MHz towards Marshall, Arkansas, on azimuth 124°51'; change diversity antenna on 6375.2V MHz towards Ponca, Arkansas, on azimuth 260°51'.

1519–CF–MP–75, same (WHB32), High Point Mountain, 2.4 miles NW. of Roland, Arkansas. Lat. 34°55'54" N., Long. 92°31'15" W. Mod. C.P. to add 5945.2V MHz towards Cadron Ridge, Arkansas, on azimuth 04°51'.

1520–CF–MP–75, same (WHB33), Cadron Ridge, 3.7 miles WNW. of Convoy, Arkansas. Lat. 35°06'34" N., Long. 92°30'09" W. Mod. C.P. to remove diversity antenna on 6315.9H and add 6197.2H MHz towards High Point, Arkansas, on azimuth 184°51'; remove diversity antenna on 6375.2V, and add 6197.2V MHz towards Bee Branch, Arkansas, on azimuth 09°01'.

Major amendments

1037–CF–P–75, RCA Alaska Communications, Inc. (WAS439), Fish, Hill 3630, 143 miles NW. of Fairbanks, Alaska. Correct coordinates to read Lat. 66°31'40" N., Long. 150°25'14" W.

[FR Doc.74–28030 Filed 11–29–74;8:45 am]

[Docket No. 20245, File No. BPH–8658; Docket No. 20246, File No. BPH–8980]

ENTERPRISE BROADCASTING, INC. AND CAPEL BROADCASTING CO., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in the same community.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services (1 mV/m or greater in the case of FM) in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

3. Enterprise Broadcasting, Inc. (Enterprise), plans to locate its studio alongside its proposed transmitter site, 5.7 miles southeast of the center of Camilla, Georgia, along U.S. Highway 19. Section 73.210 of the Commission's rules requires that the main studio of a commercial FM station be located in the proposed city of license, or that good cause be shown for locating the main studio outside that community. In its request for waiver of § 73.210, Enterprise has assured the Commission that the residents of Camilla will have easy access to the proposed studio. The applicant states further that the proposed studio site is preferable from an engineering and economic standpoint. Finally, it appears that Camilla's city limits may, in the near future, be expanded to include the proposed studio site. Good cause to locate the studio at the proposed site has been shown in this instance, and a waiver will be granted.

4. Enterprise Broadcasting, Inc., will require $90,494 to construct and operate

the proposed facility for a period of 14 months, itemized as follows:

Down payment on equipment	$10,425
Fourteen months' payments on equipment balance	10,402
Building	10,000
Miscellaneous	15,000
Principal and interest on bank loan	7,601
Working capital requirement	37,066
Total	90,494

To meet this requirement, the applicant relies upon existing capital, new capital, and a bank loan. Enterprise's balance sheet dated September 11, 1974, indicates the availability of cash and/or liquid assets in excess of current liabilities of $19,260, and prepaid expenses of $23,308 for a total of $42,658. Of this amount, Enterprise relies upon $37,516. The applicant has additional subscriptions receivable from Mrs. Mary G. Burson for $12,500. Her balance sheet dated September 11, 1974, fails to show adequate liquidity to meet this commitment, however. Finally, Enterprise has submitted a $50,000 bank loan which appears valid. The loan requires Mr. Burson's guarantee. The original guarantee dated February 1, 1974, covering $43,000 has been updated to reflect a $50,000 commitment. However, since Enterprise has established only $87,516 to meet a $90,494 requirement, a financial issue will be included against this applicant.

5. Capel Broadcasting Co., Inc., Camilla, Georgia, will require $42,893 to construct and operate the proposed facility for a period of one year, itemized as follows:

Twenty-five percent down payment on equipment	$4,404
Twelve months' payments on equipment balance	4,404
Twelve months' interest payments on equipment balance	925
Building	5,000
Miscellaneous	813
First-year payment of principal and interest on loan	6,000
Working capital requirement	21,347
Total	42,893

The applicant has established the availability of a total of $40,576, consisting of a bank loan, cash on deposit in a loan company, and cash flow from the existing station. The applicant claims an additional $30,000 in anticipated advertising revenues available to meet first-year costs. However, Capel Broadcasting Co., Inc., has failed to support the availability of the anticipated revenues in the manner required by the Commission in Ultravision Broadcasting Co., 1 FCC 2d 544, 5 RR 2d 343 (1965). (See also Erwin O'Conner Broadcasting Co., 25 RR 2d 782.) Accordingly, a financial issue will be included as to this applicant as well.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. With respect to the application of Enterprise Broadcasting, Inc., to determine:

(a) Whether the applicant has funds in excess of $87,516 to meet its $90,494 requirement; and

(b) Whether, in light of the evidence adduced pursuant to (a), above, the applicant is financially qualified to construct and operate as proposed.

2. With respect to the application of Capel Broadcasting Co., Inc., to determine:

(a) The source and availability of funds in excess of $40,576 upon which the applicant may rely to meet its $42,893 requirement; and

(b) Whether, in light of the evidence adduced pursuant to (a), above, the applicant is financially qualified to construct and operate as proposed.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

8. *It is further ordered*, That the request for waiver of § 73.210 filed by Enterprise Broadcasting, Inc., is hereby granted.

9. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

10. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 22, 1974.

Released: November 27, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] PAUL WM. PUTNEY,
Acting Chief, Broadcast Bureau.

[FR Doc.74-28032 Filed 11-29-74;8:45 am]

HOUSTON MOBILEFONE, INC. AND ELECTRODYNE, INC.

[Docket Nos. 20224, 20225; File Nos. 7334-C2-P-72, 5053-C2-P-72; FCC 74-1192]

Order Designating Applications for Consolidated Hearing on Stated Issues

Applications for construction permits to establish new facilities in the Domestic Public Land Mobile Radio Service.

1. The Commission has before it for consideration the above-captioned applications to establish new two-way facilities in the Domestic Public Land Mobile Radio Service (DPLMRS) in the Willis and Conroe, Texas area to operate on base frequency 152.18 MHz, and mobile frequencies 158.64, 158.49, 158.52, 158.55, 158.58, 158.61 and 158.67 MHz. Also before the Commission are: (a) A "Petition to Dismiss or Deny" the application of Houston Mobilefone, Inc. (Houston Mobilefone) filed May 15, 1972, by Electrodyne, Inc. (Electrodyne); (b) an "Opposition to Petition to Dismiss or Deny" filed by Houston Mobilefone on May 31, 1972; (c) a "Reply to Opposition" filed by Electrodyne on June 9, 1972; (d) also, a petition filed March 8, 1972, by Houston Mobilefone requesting that the Commission return Electrodyne's application as defective; (e) an Opposition to that Petition, filed April 21, 1972, by Electrodyne; and (f) a Reply to the Opposition filed May 3, 1972 by Houston Mobilefone.

2. In its petition and other pleadings Houston Mobilefone requests that the Commission return as defective the application of Electrodyne on the grounds that Electrodyne's application was filed more than 60 days following public notice of Houston Mobilefone's application for the same frequencies. Houston Mobilefone supports its petition by pointing out that its application was originally filed on February 5, 1970, and appeared in the Common Carrier Public Notice dated February 16, 1970. On March 9, 1970, Houston Mobilefone amended its application by supplying a then current balance sheet. Houston Mobilefone claims that it further amended its application on August 31, 1970, by advising the Commission of certain intended leasing arrangements and of a line of credit. However, the amendment said to have been filed on August 31, 1970, by Houston Mobilefone, was not received by the Commission's Common Carrier Bureau. By letter dated October 13, 1970, the Bureau requested additional information in support of Houston Mobilefone's application; some of the requested additional information was said by Houston Mobilefone to have been in its alleged August 31, 1970, amendment. The original of the Bureau's information request was mailed to counsel for Houston Mobilefone, with a copy also being mailed to Houston Mobilefone. It is claimed by Houston Mobilefone that neither it nor its counsel received the Bureau request for such additional information and thus had no

knowledge either that the August 31, 1970, amendment claimed to have been filed had not been received by the Commission, or that a Bureau information request was outstanding. When the Bureau received no response to its information request from Houston Mobilefone, it dismissed the application without prejudice by letter dated November 25, 1970. The dismissal was based on Houston Mobilefone's apparent desire not to prosecute its application further. On December 1, 1970, according to Houston Mobilefone's presently considered petition, Houston Mobilefone filed a petition for reconsideration of the Bureau's dismissal action. The Bureau has no record of having received such a petition. Houston Mobilefone states that the dismissal of its original application was based upon a mistake of fact and that reinstatement should be effective as of the date of the dismissal, which would mean that there would have been no break in the pendency of the application from its original filing on February 5, 1970, and its listing in the Common Carrier Public Notice of February 16, 1970. Houston Mobilefone, accordingly, contends that pursuant to Section 21.30(b) of the Commission's Rules any application which posed a frequency conflict to Houston Mobilefone's application and which was filed after the 60-day cutoff point (April 17, 1970, if Houston Mobilefone's arguments are accepted), would be barred from Commission consideration. As Electrodyne filed its application for the frequencies in question on February 9, 1972, such application would clearly be beyond the 60-day cutoff deadline.

3. Following the application filed by Electrodyne on February 9, 1972, Houston Mobilefone again filed an application for the frequencies in question; such filing was on April 13, 1972, and was prior to the 60-day cutoff. In its petition and other pleadings Electrodyne seeks to have the Commission deny or dismiss the latter application of Houston Mobilefone. Electrodyne contends that Commission policy is opposed to consideration of such an application which is contingent upon Commission dismissal of Houston Mobilefone's original application. Further, Electrodyne claims that Houston Mobilefone's most recent application, considered by itself, must fail because it does not show a current balance sheet, within 90 days antedating the filing date (April 13, 1972) of the application. (See FCC Rules and Regulations Section 21.15 (d)). Houston Mobilefone will be ordered to file a current balance sheet.

4. The number of documents that seem to have gone astray is remarkable and the applicants have devoted substantial effort in their pleadings to the arguments related to the circumstances of the filing of Houston Mobilefone's original application and its dismissal. Nevertheless it should be stressed that an applicant must submit his application for filing at the Commission's offices in Washington, D.C. 47 C.R.F. § 21.13(c). This application must be received by the Commission to become eligible for consideration. 47 U.S.C. § 308(a). "When the mails are utilized for the purpose of filing an application, the filing takes place upon delivery at the offices of the Commission" [1], and not upon mailing. Therefore, if an application is mailed but not received by the Commission, the application is not properly before the Commission for consideration. It is also incumbent upon an applicant to meet the burden of proving that his application is properly before the Commission, 5 U.S.C. § 556(d). This burden of proof includes a showing by the applicant that all the required conditions of eligibility have been met [2], including the timely filing of all required data.

5. Hearing issues on whether the documents were mailed as said by Houston Mobilefone are not necessary. There are no allegations of fact offered to undermine Houston's representations. (See Columbus Broadcasting Coalition v. F.C.C., No. 73-1074, U.S. Ct. of Apps. (D.C. Cir. 1974) and Brandywine—Main Line Radio, Inc., 4 R.R. 2d 697 (1965). We can accept Houston Mobilefone's contentions that it mailed to the Commission what it said it did. However, since the documents in question were not received by the Commission, they were not properly before the Commission for consideration and applicant Houston Mobilefone could not meet its burden of proving that the required conditions for consideration and possible grant of its application had been met. The dismissal of Houston Mobilefone's original application was thus properly dismissed. Likewise, as the petition for reconsideration mailed by Houston Mobilefone was not received by the Commission there is nothing for the Commission to consider and rule upon in that regard. It should be noted that as Houston Mobilfone's original application was dismissed without prejudice, nothing would have prohibited Houston Mobilefone from filing anew at any time subsequent to such dismissal instead of waiting over a year and filing after Electrodyne's application. If Houston had established its qualifications in a refiled application, it would have been granted the frequencies it sought as it was over a year before any other entity (Electrodyne) applied for the frequencies in question. Even if the Commission had properly received the petition for reconsideration it is difficult to see how the Commission could have found any basis for a grant. The data required for consideration of the original application was not before the Commission.

6. Insofar as the merits of the two applications are concerned, they propose to use the same frequencies, at locations a few miles apart. The service areas of the proposed stations would substantially overlap. The applications of Houston Mobilefone and Electrodyne are thus mutually exclusive, because the grant to operate on the same radio channel and in the same locality would result in mutually harmful electrical interference. Since both applicants appear to be legally, financially, and otherwise qualified to construct and operate the proposed facilities, the applications must be designated for comparative hearing to determine which applicant is better qualified to operate the proposed facilities in the public interest. Ashbacker Radio Corp. v. F.C.C., 326 U.S. 327 (1945).

7. In view of the foregoing, *It is ordered*, That pursuant to Sections 309(d) and (e) of the Communications Act of 1934, as amended, (47 U.S.C. §§ 309(d) and (e)) that the captioned applications of HOUSTON MOBILEFONE, INC. AND ELECTRODYNE, INC. are designated for hearing in a consolidated proceeding upon the following issues:

1. To determine the nature and extent of services proposed by each applicant.

2. To determine the total area and population to be served by Houston Mobilefone, Inc. within the 37 dbu contour of its proposed station, based upon the standards set forth in § 21.504 of the F.C.C. rules and regulations; and to determine the need for its proposed service in that area.[3]

3. To determine the total area and population to be served by Electrodyne, Inc. within the 37 dbu contour of its proposed station, based upon the standards set forth in § 21.504 of the F.C.C. rules and regulations and to determine the need for the proposed service in that area.[3]

4. To conclude in light of the evidence adduced pursuant to the foregoing issues, which, if either of the captioned applicants would better serve the public interest, convenience, and necessity.

8. *It is further ordered*, That the respective petitions of both applicants are hereby denied.

9. *It is further ordered*, That Houston Mobilefone file a balance sheet, current as of the date of the release of this memorandum Opinion and Order.

10. *It is further ordered*, That the hearing shall be held at the Commission offices in Washington, D.C. at a time and place, and before an Administrative Law Judge, to be specified in a subsequent order.

11. *It is further ordered*, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

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[1] Phinney v. Bank of the Southwest National Association, Houston, 335 F. 2d 266, 268 (5th Cir. 1964); Cf. United States v. Lombardo, 241 U.S. 73, 76-77 (1916); Poynor v. Commissioner of Internal Revenue, 81 F. 2d 521, 522 (5th Cir. 1936); United States v. Mahler, 181 F. Supp. 900, 903 (S.D. N.Y. 1960).

[2] Norment v. Hobby, 124 F. Supp. 489, 491 (N.D. Ala. 1953); Cf. Irvin v. Hobby, 131 F. Supp. 851, 865 (N.D. Iowa 1955); Ryan v. Flemming, 187 F. Supp. 655, 656 (D. Mont. 1960); Schramm v. Physical Therapists Examining Board, 219 A. 2d 846 (D.C. 1966).

[3] Section 21.504(a) of the Commission's rules and regulations describes a field strength contour of 37 decibels above one microvolt per meter for stations operating on frequencies in the 152-162 MHz band as the limit of the reliable service area for base stations engaged in the two-way communications service. Propagation data set forth in § 21.504(b) are a proper basis for establishing both the location of the service contours and the areas of harmful interference for the facilities involved in this proceeding.

12. *It is further ordered,* That applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Commission's rules within twenty days of the release date hereof, a written notice stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

Adopted: November 6, 1974.

Released: November 26, 1974.

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

[FR Doc.74-28029 Filed 11-29-74;8:45 am]

[Docket Nos. 19978, 19979, 19980; File Nos. BPH-8055, 8077, 8117; FCC 74R-420]

KOWL, INC. ET AL.

Memorandum Opinion and Order Enlarging Issues

1. This proceeding involves the mutually exclusive applications of KOWL, Inc. (KOWL), New World Broadcasting Company (New World), and Entertainment Enterprises, Inc. (EEI), for a new FM broadcast station at South Lake Tahoe, California. By Order, 39 FR 12786, published April 8, 1974, these applications were designated for consolidated hearing on a standard comparative issue and an issue to determine whether good cause exists for New World to locate its main studio outside the city of license. Presently before the Review Board is a petition to enlarge issues, filed April 23, 1974, by KOWL, seeking real party in interest, site availability, misrepresentation, staffing, programming, financial, § 1.526 and Suburban issues against New World, as well as real party in interest, financial, staffing, programming and Suburban issues against EEI.[1][2]

2. *Real Party in Interest Issue.* Initially, KOWL alleges that William F. Souder, Jr. (Mr. Souder) and his son Rik Souder (Rik), neither of whom is listed as a stockholder, director, or officer of New World, have such a large degree of involvement in the New World application as to require an issue to determine whether they are, in fact, real parties in interest. In support, petitioner first notes that Mr. Souder will purchase all of the necessary equipment and lease it to New World on a contract which requires New World to pay Mr. Souder the equivalent of his monthly payments to the equipment supplier with a proviso that at the end of five years, when his obligations to the supplier are satisfied, he will then sell the entire package to New World for $1.00. KOWL further notes that New World's first year estimated operating costs will be $50,300, and that Mr. Souder has agreed to lend New World $50,000 at 6% interest with no security and with payments of principal and interest deferred for one year. Petitioner further alleges that New World has indicated that Rik may at some future date become a New World principal and that this provides the motive for the elder Souder's financial support. In this regard, KOWL notes that Rik was originally an incorporator, a member of the Board of Directors and resident agent of the corporation, but that subsequent to his arrest on drug related charges he allegedly was disassociated from the New World application.[3] In its supplement,[4] KOWL attaches copies of interrogatories submitted to New World's president, Paul Newman, on April 15, 1974, which, KOWL argues, reflect that a more substantial relationship exists between Mr. Souder and New World than was previously apparent. According to petitioner, Newman's responses to the interrogatories show that he was a junior partner in the Chicago law firm that represented Mr. Souder, that Rik had moved to Lake Tahoe and had observed a need for an FM station in that community, that Mr. Souder had sent Newman to Lake Tahoe to assess the situation and that he, Newman, had reported to Mr. Souder that the basic concept of a new FM station in Lake Tahoe seemed practicable. It is further alleged that Mr. Souder then advised his son to proceed with the project and Rik acquired the necessary application forms, formed a corporation with some associates and Newman, and undertook the initial legal and engineering work. At about this time, according to petitioner, Rik was arrested for narcotics violations and his associates lost interest in the project; Mr. Souder thereupon advised Newman that since there was still a need for the new station and Newman had already done substantial work that he, Mr. Souder, would underwrite the project if Newman wished to proceed with it. KOWL argues that the above facts reflect a lack of candor on the part of New World for failing to reveal the full extent of the Souders' relationship with the applicant. Thus, concludes KOWL, further inquiry is necessary in order to determine whether Souder and his son Rik are, in fact, undisclosed principals in the New World application, and whether New World has been lacking in candor with the Commission.

3. In opposition, New World argues that a leassee is entitled to exclusive possession and control during the lease term and that there is no need for Mr. Souder to make an affirmative statement that he will not control New World. As to Rik Souder, New World asserts that he is not a party to the applicant. Finally, New World states that its affirmative response to the question in its application asking if any principal had been convicted of a felony was nothing more than a typographical error. In its comments, the Bureau supports addition of a real party in interest issue but argues that no facts have been alleged which would warrant the addition of a misrepresentation issue.

4. The Review Board agrees with the Broadcast Bureau that sufficient allegations have been made to warrant further inquiry. The test for determining whether a third person is a real party in interest is whether that person has an ownership interest, or is or will be in a position to actually or potentially control the operation of the station. Creek County Broadcasting Co., 31 FCC 2d 462, 22 RR 2d 891 (1971); and Sumiton Broadcasting Co., Inc., 15 FCC 2d 400, 14 RR 2d 1000 (1968). And, while supplying the major source of financing does not necessarily cause a third party to become a real party in interest, Medford Broadcasters, Inc., 16 FCC 2d 684, 15 RR 2d 780 (1969), "[i]t is well known that one of the most powerful and effective methods of control of any business, organization, or institution, and one of the most potent causes of involuntary assignment of its interests, is the control of finances." Heitmeyer v. FCC, 68 U.S. App. D.C. 180, 188, 95 F. 2d 91, 99 (1937). In this case, Mr. Souder is not only supplying practically 100% of the applicant's first year's financing at only 6% interest with a one year moratorium on replayment, but he will also purchase the broadcast equipment and then lease it to New World. This unusual arrangement warrants careful scrutiny.

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[1] Also before the Board are the following related pleadings: (a) Supplement to petition to enlarge issues, filed May 21, 1974, by KOWL; (b) opposition, filed June 12, 1974, by New World; (c) opposition, filed June 12, 1974, by EEI; (d) Broadcast Bureau's comments, filed June 12, 1974; (e) reply, filed June 24, 1974, by KOWL; (f) motion to hold in abeyance, filed August 21, 1974, by KOWL; (g) request for dismissal of petition to enlarge issues, filed October 1, 1974, by KOWL; and (h) opposition to (g), filed October 18, 1974, by the Broadcast Bureau.

[2] New World contends that KOWL's petition, filed on the 15th day after publication in the FEDERAL REGISTER, is fatally deficient because it was not supported by a proper affidavit of persons with knowledge of the facts alleged in the petition. The Board disagrees and KOWL's petition will be regarded as timely filed. Contrary to New World's contention, KOWL's original petition was supported by a brief affidavit of C. Kenneth Hildebrandt and supplemented by a second Hildebrandt affidavit dated April 29, 1974, and transmitted by letter of May 1, 1974. The original petition was supplemented by a further filing on May 21, 1974, supported by answers to interrogatories submitted by KOWL. Since the supplemental petition is in support of issues requested in the original petition and was filed within ten days of the answers to interrogatories, upon which it relies for support, the supplement will also be considered on its merits.

[3] KOWL points out that New World, in response to section II, paragraph 10(d) of its application, which requests information as to whether any principal has been convicted of a felony, initially indicated in the affirmative, but that when the Commission made further inquiry, New World stated that such response was a "typographical error" and should have been answered negatively. Subsequently, New World amended its application to reflect this error.

[4] See note 2, supra.

in our view, to determine whether there exists the requisite potential for control. In addition, there is a readily apparent motive for exercising this potential control in view of Rik Souder's admitted past and possibly future involvements with the applicant. The Board is of the view that petitioner has alleged sufficient facts to seriously question whether the relationship between the Souders and New World is more than a normal debtor-creditor relationship. See, *e.g.*, Massillon Broadcasting Co., Inc., FCC 61–1164, 22 RR 218 (1961). We will, therefore, add a real party in interest issue against New World. However, it appears that all relevant information can be determined under a real party in interest issue, and the Board finds no adequate basis at this time for specifying a lack of candor or misrepresentation issue. *Cf.* Congaree Broadcasters Inc., 40 FCC 2d 297, 26 RR 2d 1693 (1973); and Lake Erie Broadcasting Co., 34 FCC 2d 354, 24 RR 2d 64 (1972).

5. Site Availability Issue. In support of its request for a site availability issue against New World, KOWL submits a notarized statement of Anthony C. Atchley, the assistant general manager of the hotel where New World has stated it will locate its transmitter and studio. Atchley avers that although New World was given permission to conduct an engineering study, there has never been any agreement to construct or operate such a facility at the hotel and that there has "been no discussion along these lines . . .". Based on Atchley's statement, KOWL also requests addition of a misrepresentation issue.

6. The Review Board will add the requested site availability issue. The present assistant manager has categorically denied the existence of either an agreement or discussions relating to such use of the hotel. Consequently, it is clear that New World does not now have "reasonable assurance" that its proposed site will be available. A site availability issue is therefore clearly warranted. See, *e.g.*, Radio Antilles, Inc., FCC 70R–259, 19 RR 2d 802. However, we decline to add the requested misrepresentation issue since New World, in its opposition, supplies an affidavit of its president, Paul Newman, averring that he and the applicant's engineer conferred with the previous assistant general manager of the hotel who gave them permission to make an engineering survey of the hotel as a proposed studio and transmitter site. Subsequently, avers Newman, they again met with the previous assistant manager, who "agreed that New World could erect its tower on the hotel." These allegations are not disputed by the petitioner. Thus, while New World does not now appear to have reasonable assurance of its transmitter and studio site, it appears that there was previously some basis for them to make such an assumption and therefore the misrepresentation issue will be denied. See *Salem Broadcasting Co., Inc.*, 38 FCC 2d 170, 25 RR 2d 955 (1972), and Radio Antilles Inc., supra.

7. Staffing Issue. In support of its request, KOWL points out that New World proposes to operate for 126 hours per week with 11.5 hours of news, 10.5 hours of public affairs and 5 hours of "other" programming, with a staff of five full-time employees and one part-time employee. Also, notes petitioner, New World does not specify how these employees' time and duties will be allocated. However, petitioner reasons, discounting the participation of a part-time engineer and Paul Newman, due to his lack of previous broadcast experience, New World would presumably utilize a secretary-traffic manager-office manager, two announcer-salesmen and one other unspecified employee. KOWL argues that the two announcer-salesmen would therefore be required to announce for nine hours per day, seven days per week, handle station time sales, and provide program preparation assistance to effectuate 27 hours per week of news, public affairs and other programming. KOWL concludes that such a proposal is unreasonable on its face and in support supplies an affidavit to that effect from its own president and general manager, C. Kenneth Hildebrandt, who has "over a decade of experience" in the operation of standard broadcast Station KOWL in South Lake Tahoe.

8. In opposition, New World states that the secretary-traffic manager-office manager will be the part-time employee and that this will leave four employees, including Newman, for other duties such as announcing, selling, and news gathering. New World also asserts that many Class A FM stations operate profitably with similar hours and with fewer employees. The Broadcast Bureau is of the opinion that it is not possible to determine from New World's application whether its staff can implement the proposed programming and that therefore an appropriate issue is required.

9. The Review Board will deny the requested staff adequacy issue. We have frequently held that "unless an applicant's plans are, on their face, incapable of effectuation, a staffing issue will not be specified in the absence of specific allegations tending to demonstrate that those plans cannot be effectuated." United Broadcast Industries Inc., FCC 74R–386, released October 15, 1974; Great Southwest Media Corp., 46 FCC 2d 1142, 30 RR 2d 378 (1974). See also Radio Geneva, Inc., 42 FCC 2d 254, 27 RR 2d 1680 (1973), and cases cited therein. In the Board's view, KOWL has failed to demonstrate that New World's staffing proposal is inherently incapable of effectuation. KOWL's request is based primarily on speculation and is adequately rebutted by the explanation supplied in New World's opposition. Furthermore, Mr. Hildebrandt's affidavit is of little value because his experience has apparently been with an established station in a different broadcast service and, in addition, there is no indication that that station's programming is similar to that proposed by New World. See United Broadcast Industries Inc., *supra;* and Martin Lake Broadcasting Co., 23 FCC 2d 721, 19 RR 2d 277 (1970). Accordingly, KOWL's request must be denied.

10. Programming Issue. KOWL next challenges New World's overall programming proposal. Specifically, KOWL argues that New World has failed to list any of its proposed programs by "type" and has omitted a discussion of the significant problems to be dealt with in each of the specified programs. Petitioner also argues that although New World proposes 15 hours and 30 minutes of public affairs and "other" programming, New World's Exhibit 10A lists only five hours and 15 minutes of programming to meet Commission requirements.[5]

11. In opposition, New World cites the Primer (Q. & A. 28)[6] for the proposition that broadcast matter is defined as "programs and announcements", and urges that there is no requirement that "type" be specified. Moreover, argues New World, it has specifically described the programs proposed, their time segment and duration. The Broadcast Bureau also opposes addition of the requested issue, arguing that KOWL has failed to support its contentions with any legal precedent or with specific allegations of fact sufficient to support the action requested (§ 1.229(c) of the Commission's rules), and that nowhere in the application form is there a requirement that there be a showing as described by petitioner.

12. The Review Board will not add the requested issue. First, we agree with the Broadcast Bureau that KOWL has misinterpreted the purpose of New World's Exhibit 10A. Thus, as noted *supra*, it appears that Exhibit 10A was submitted as a Suburban exhibit in response to a programming requirement of Part I of Section IV–A, which requires a showing of typical and illustrative programs to be broadcast to meet ascertained community needs and interests. There is no requirement that this showing contain public affairs programs that are equal in time duration to that specified by the applicant in Part III.[7] Moreover, we have reviewed KOWL's remaining allegations and find them to be without merit. In Exhibit 10A, New World has adequately described the typical programming (ten programs described in detail), as well as the anticipated time segment and specific community problems the programs are designed to meet.[8] Accordingly, no inquiry will be authorized and the requested programming issue will be denied.

13. Financial Issue. After noting that New World's financial proposal is almost totally dependent on William F. Souder,

[5] Exhibit 10A contains a showing of the applicant's proposed programming to meet the needs ascertained in its community.

[6] *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 682, 21 RR 2d 1507, 1541 (1971).

[7] Part III of the application form requests a breakdown of the applicant's entire proposed programming.

[8] Allegations regarding programming to meet ascertained needs are generally related to requests for Suburban issues. However, KOWL has chosen to request a separate programming issue, in addition to a Suburban issue, and we therefore disposed of it here in the interest of conciseness and clarity.

Jr. (see paragraph 2, supra), KOWL argues that Mr. Souder's financial statement fails to adequately indicate his ability to meet his commitment in that (a) there is no showing of current liabilities, (b) the list of marketable securities does not indicate the number of shares held, and (c) the financial statement, dated March 31, 1973, was "outdated" when it was filed on August 1, 1973, and therefore should not have been accepted by the Commission. In its reply, KOWL also argues that New World's financial showing is deficient because there is no showing of what security for the loan, if any, will be required.

14. The Board agrees with New World and the Broadcast Bureau that based upon KOWL's allegations, further inquiry into New World's financial proposal is unnecessary. Mr. Souder's March 31, 1973, balance sheet reflects assets in excess of liabilities of over $4,000,000, and details a list of securities, including the total amount of each stock, and the market in which it is traded. Thus, in this context, the Board does not believe that the failure to include the exact number of shares of each stock invalidates Mr. Souder's financial showing.[9] Nor do we believe that the failure to more fully detail his liabilities brings into question Mr. Souder's financial capabilities, particularly since his liquid assets far exceed all liabilities. See Edward G. Atsinger III, 29 FCC 2d 443, 21 RR 2d 1039 (1971). With regard to the four month delay between the preparation and submission of the balance sheet, FCC Form 301, Section III does not specify how current a balance sheet must be and, absent some allegation by petitioner of a substantial change, the Board does not consider a "delay" of four months to be per se significant. Finally, with regard to the absence of any security for Mr. Souder's proposed loan to the applicant, the Board is of the view that the fact that no security is required does not raise a substantial question as to the availability of the loan; the bona fides of his commitment can be properly explored under the real party in interest issue. See paragraph 4, supra.

15. Availability of Public File Issue.[10] In support of its request for a Rule 1.526 issue, petitioner states that its president C. Kenneth Hildebrandt, made three separate trips in "late November, 1972" to the address designated by New World as the location of its public file only to find that there was no one at this address. According to KOWL, however, Mr. Hildebrandt left either his business card or a note asking that he be contacted and on November 29, 1972, Rik Souder (see paragraph 2, supra) contacted him and on November 30, 1972, the New World application was brought to Hildebrandt's office. Notwithstanding the ultimate delivery of the application, KOWL argues that New World's application was not made available to the public as required by Rule 1.526 and, therefore, an appropriate issue is warranted.[11]

16. The Review Board agrees with New World and the Broadcast Bureau that no purpose would be served by addition of a public file issue. Although it appears that New World may have been in technical violation of Section 1.526 of the Rules by not making its public file available when requested, the Board is of the view that, in light of all the circumstances, the violation is not serious enough to be decisionally significant and thereby warrant a full evidentiary inquiry. Although it is not clear from KOWL's pleadings, it appears that the interval between Hildebrandt's request to see the public file and New World's compliance with the request was very brief.[12] Furthermore, Rik Souder's delivery of the file to Hildebrandt's office tends to obviate any inference of intent to conceal the file from public scrutiny. Finally, it does not appear that any prejudice to the parties or public has resulted. Therefore, the request will be denied. See California Stereo, Inc., 38 FCC 2d 1003, 26 RR 2d 556 (1973); Southern Broadcasting Co., 38 FCC 2d 943, 26 RR 2d 458 (1973); and Ward L. Jones, 7 FCC 2d 831, 9 RR 2d 1062 (1967).

17. Suburban Issue. KOWL attacks New World's Suburban showing primarily on three grounds. First, KOWL contends that New World has failed to indicate which "principals or management-level employees" have conducted the interviews of community leaders (Primer, Q. & A. 11). This omission, according to petitioner, would take on added significance if Rik Souder (paragraph 2, supra) participated in such interviews since they must be discounted in light of his disassociation from the applicant. Second, KOWL criticizes New World's general public survey on the grounds that, because New World has identified the interviewees only by name, there is no way to determine whether the survey resulted in a random sampling, (Primer, Q. & A. 13). And third, KOWL notes that New World lists only five community problems and urges that such a "meager listing" is insufficient and should have been followed by a more detailed inquiry. (Primer, Q. & A. 19.)

18. In opposition, New World argues that the Primer does not require the names of the principals or management-level employees who conducted the community leader survey and that if KOWL desires this information it may obtain it at the hearing. New World also contends that the Primer does not require a breakdown of the members of general public survey by age, sex, occupation or race and it is sufficient that the selection of such members of the public was at random from the telephone directory, citing the Primer, Q. & A. 15(b). The Broadcast Bureau agrees with New World that its random sample of the general public by use of the telephone directory is satisfactory and that a specific breakdown by age or race is not necessary. The Bureau is also of the opinion that New World's listing of community problems is sufficient because the five problems listed appear to be broadly worded in order to encompass the various specific problems listed in the general public and community leader surveys. However, the Bureau does agree that New World should list by name those principals who conducted the community leader survey.

19. The Review Board will add a limited Suburban issue. The Primer, Q. & A. 11(a), mandates that the interviews of community leaders must be conducted by principals or management level employees, and New World's failure to identify the interviewers by name makes it impossible to determine whether it has complied with this requirement. In the absence of such information the Board is constrained to add a limited issue. See Mel-Lin Inc., FCC 74R-369, ____ FCC 2d ____, 31 RR 2d 819 (1974). However, as to the randomness of New World's general public survey, the Primer does not require that a specific enumeration of the age, sex or race of the interviewees be supplied and, in view of the uncontroverted statement by New World that the persons contacted were selected at random from the local telephone directory, we find no basis for further inquiry. See, e.g., our earlier Memorandum Opinion and Order in this proceeding, 47 FCC 2d 911, 30 RR 2d 1403 (1974). Nor do we believe that the problems listed by New World are too "meager" in number; rather, we agree with the Bureau that the problems are stated in such a way as to represent a general category. Moreover, they are substantiated and supplemented by a detailed listing of the problems mentioned by each interviewee and, in the absence of other allegations to establish that the list is inaccurate or incomplete, we believe this to be sufficient.

Issues Requested Against EEI. 20. Real Party in Interest. Initially, KOWL notes that EEI is now composed of three stockholders who hold 100% of the outstanding stock, one of whom, Roger G. Archambault, owns a total of 61.5% of the issued stock.[13] However, alleges KOWL, EEI also has loan-stock options outstanding with five other pledgors[14] and, while

[9] In its opposition, New World suggests that in order to determine the number of shares held of each stock, KOWL could divide the market price of each by the amount shown on Mr. Souder's balance sheet.

[10] Section 1.526(d) of Commission's rules requires applicants to keep on file copies of their applications for public inspection during regular business hours in the community where the main studio is proposed to be located.

[11] KOWL also alleged other incidents of unavailability in its original petition but concedes, in its reply, that a New World amendment changing the location of the public file was "overlooked" and thus KOWL "rescinds" its request as to those allegations.

[12] Thus, KOWL states that Hildebrandt attempted to view the public file in "late November" and that Rik Souder responded on November 29. Moreover, the Hildebrandt affidavit does not indicate at what time of the day (or night) Hildebrandt visited the location of the application.

[13] Edwin B. Crook holds 30.8% of the issued stock and Jean C. Tomlinson holds. 7.7%.

[14] George E. Sharp, Robert L. Hamilton, James E. Curry, Jerry N. Millard, James S. White and Robert Q. Stanton. Stanton is a new pledgor added by a recent EEI amendment. See note 18, infra.

these agreements state a specific, total amount of monetary commitment, they do not specify the actual amount of stock to be purchased. KOWL also notes that the EEI application states that a maximum of 49% of the corporation will be vested in these five persons who are not presently otherwise affiliated with the EEI application, but that 51% of the stock will be retained by the present stockholders. Thus, argues KOWL, Archambault's ownership in the applicant will, of necessity, drop below 50%, and therefore involve an immediate transfer of control should the EEI application be granted.[15] Furthermore, asserts KOWL, the ultimate ownership interests in the corporation cannot be determined from the application and a real party in interest issue is required in order to determine who will actually have ownership interests in EEI and the extent of their participation.

21. In opposition, EEI asserts that petitioner's allegations do not raise a real party in interest question because all parties in the application, present and future, are fully disclosed. In this regard, EEI notes that its application not only provides the extent of each pledgor's financial support but also lists each individual with all pertinent and required information. Moreover, urges EEI, the three present stockholders will retain 51% of all stock to be issued and therefore operational control will continue with the three principals now affiliated with the corporation. In this regard, EEI points to the interrogatories propounded by KOWL, in response to which the five pledgors individually aver that they will not actively participate in EEI's corporate business. The Broadcast Bureau believes that all pertinent information is now before the Commission and that all parties to the EEI application are fully disclosed; however, the Bureau also believes that the composition of EEI may be appropriate for exporation under the comparative issue.

22. The Board does not believe that petitioner's allegations raise a question as to who will be the real parties in interest in EEI's application. It appears that all pertinent information concerning who are and will be EEI principals, present and future, is adequately revealed. Therefore, New World's request for a real party in interest issue is inappropriate. However, EEI's proposal does raise certain questions concerning the nature of the pledgors' future participation and the effect of this arrangement on its financial qualifications. Thus, we are not able to determine whether EEI is financially qualified because it appears that the pledgors' participation, which is essential to EEI's financial qualifications, may be contingent upon Commission authorization of a transfer of control subsequent to a grant of the application as now proposed. However, even this is not entirely clear because each pledgor has signed an agreement stating that his financial support "may be as paid-in capital by the purchase of EEI common stock * * * or as an unsecured (no collateral) loan, or as a combination of the two." Therefore, we believe an issue is required to determine precisely the nature of these pledgors' future financial participation and the effect on the applicant's financial qualifications.

23. Financial Issue. In support of its specific request for addition of a financial issue against EEI, KOWL criticizes two general areas of EEI's financial proposal. First, KOWL contends that the financial statements used by each of EEI's pledgors do not fully reveal current liabilities because interest payments on these liabilities are not included and therefore a serious question arises as to whether they will be able to meet their financial commitments. Second, KOWL asserts that EEI's first year operating costs are underestimated. Specifically, KOWL urges that EEI's proposed 24 hour a day operation with five full-time employees and one part-time employee at a total annual salary of $33,000 is "unrealistic and impossible of implementation," and that EEI's proposal of $3,500 for an automated tape service is too low.[16] Finally, KOWL states that EEI's estimate of $1,500 for legal expenses is also too low. In its supplement, KOWL charges that EEI has violated § 1.514 of the Commission's rules [17] in that, in response to interrogatories, EEI revealed for the first time an "oral, mutual understanding that [the] founders will, where possible, bear entire costs during the application phase; and that pledgors or other parties who become stockholders in EEI after a [construction permit] is granted will collectively own no more than 49% of EEI's common stock."

24. In opposition, EEI first states that interest due on long-term liabilities was not included on advice of its accountants and that certain of these long-term liabilities also represent income producing properties and such income was also omitted. Moreover, notes EEI, in response to KOWL's interrogatories, each EEI pledgor revealed the interest payments and such payments in no way impair any pledgor's ability to meet his financial commitment to EEI. As to the salaries it proposes, EEI contends that it can, in fact, hire all necessary personnel at the proposed rates, that certain principals intend to be compensated at reduced rates during the period while the station is becoming established, and that Mr. Hildebrandt's averments are not based on personal experience because his broadcast experience has been with an established station in the operation of an AM, not FM, broadcast facility. Finally, in this regard, EEI states that a National Association of Broadcasters' survey indicates that a typical FM station in a similar market has salary expenses almost identical to those proposed by EEI. As to the proposed expense of the tape service, EEI supplies an affidavit of its president in which he states the basis for the projected cost and supplies copies of estimates received from tape services. The Broadcast Bureau argues that petitioner's allegations do not comply with § 1.229(c) of the Commission's rules, that the five pledgors in question appear to have sufficient funds to absorb any reasonable interest charges and that EEI's cost estimates do not appear to be unreasonable on their face.

25. The Review Board will deny the requested financial and Rule 1.514 issues. We agree with the Bureau that KOWL's allegations are primarily based on speculation and surmise and are therefore in violation of Rule 1.229(c). In this regard, the Board has frequently stated that it will not add a cost estimates issue unless the applicant's estimates are unreasonable on their face, California Stereo Inc., 39 FCC 2d 401, 26 RR 2d 887 (1973), and Viking Television, Inc., 17 FCC 2d 823, 16 RR 2d 123 (1969), or challenged by specific facts based on affidavits from persons with personal knowledge of the facts, Snake River Valley Television, Inc., 16 FCC 2d 613, 15 RR 2d 775 (1969); and Community Broadcasting Company of Hartsville, 16 FCC 647, 15 RR 2d 814 (1969). We do not find EEI's salary or tape cost estimates unreasonable on their face; nor have they been adequately challenged. Moreover, a recent EEI amendment [18] further clarifies the EEI salary and tape cost estimates. Based on the foregoing, no further inquiry is necessary. Nor, in the absence of specific and adequately supported allegations, is there any basis for petitioner to challenge EEI's budgeted legal expenses. In reference to the interest on long term liabilities, it appears from the balance sheets supplied by the pledgors and their responses to interrogatories supplied by KOWL, that any interest payments would not affect their ability to meet the commitments to EEI. Finally, as to the requested Rule 1.514 issue, it does not appear that the elements of the "understanding", supra at paragraph 23, were withheld from the original application. The mutual understanding is in conformity with other portions of EEI's financing plans in that the original founders have so far assumed pre-grant expenses. Moreover, the agreement was voluntarily revealed by EEI, and there was no apparent motive for any misrepresentation in this regard. Finally, the matter appears to be of

[15] In this regard, petitioner contends that there has been no showing that the present stockholders have a "mutuality of interest" that would result in agreement on controlling policies of the corporation.

[16] In support of its allegations concerning EEI's salary and tape service estimates, KOWL supplies an affidavit of its president (see paragraph 7, supra) averring that these proposals are inadequate.

[17] Section 1.514(a) requires that "[e]ach application shall include all information called for by the particular form on which the application is required to be filed . . .".

[18] This amendment was accepted by the Presiding Judge by Order, FCC 74M-1106, released September 5, 1974.

minor significance. Therefore, no purpose would be served by further inquiry.

26. Staffing Issue. KOWL argues that EEI cannot effectuate its programming proposal of 168 hours per week, including 32 hours of non-entertainment programming, with "five and one-half" employees, only two of whom have assigned duties. In support, KOWL supplies the affidavit of its president, C. Kenneth Hildebrandt (see paragraph 7, supra). The Broadcast Bureau supports addition of the issue, arguing that EEI has not revealed the duties of all of its employees and has not detailed the extent of its planned use of a program tape service.

27. In the Board's view, petitioner's allegations are insufficient to warrant the imposition of the requested staffing issue. As previously indicated, the Board has long held that where effectuation of a proposal is not inherently improbable, it will not specify an adequacy of staff issue absent specific allegations demonstrating that the proposal cannot be effectuated. See cases cited supra in paragraph 9. Here, petitioner has not supplied specific allegations and Board does not believe that effectuation of EEI's proposal is inherently improbable. In this regard, EEI's opposition provides a detailed listing of each of its employee's duties and responsibilities,[19] as well as a total listing of proposed non-entertainment programming, a large portion of which will allegedly come from outside sources at little or no cost and therefore not require substantial staff attention. The requested staff adequacy issue will, therefore, be denied.

28. Programming Issue. Petitioner's request for a programming issue against EEI is essentially based on the same reasoning it used to support its request for such an issue against New World. (See paragraph 10, supra.) Thus, KOWL argues, first, that EEI has not fully indicated what programs it will air to meet its proposed 21 hours of public affairs and "other" programming and that three of EEI's presentations are spot announcements rather than programs. Second, KOWL charges that EEI failed to classify its proposed programming and, third, that EEI has not shown which programs are designed to meet the needs ascertained by the applicant.

29. The Review Board will deny KOWL's request for a programming issue against EEI for basically the same reasons we denied the similar request against New World. See paragraph 12, supra. In short, EEI is not required to provide a total breakdown of every program in its application (atlhough we note that EEI's opposition contains such a listing), and there is no requirement to designate each program by "type". Finally, petitioner's third basis for addition is mooted by our earlier Memorandum Opinion and Order, 47 FCC 2d 911, 30 RR 2d 1403 (1974), in which we added a limited Suburban issue against EEI on this basis.[20]

30. Suburban Issue. KOWL's request for a suburban issue against EEI is premised on the alleged failure to provide the age, sex, occupation and race of those members of the general public surveyed. However, the Board has earlier rejected this contention in our ruling on KOWL's request for a Suburban issue against New World. See paragraph 19, supra. Accordingly, no issue is warranted.[21, 22]

31. *Accordingly, it is ordered,* That the request for dismissal of petition to enlarge issues and the motion to hold in abeyance, filed by KOWL, Inc. on October 1, 1974, and August 21, 1974, respectively, are denied;

32. *It is further ordered,* That the petition to enlarge issues, filed April 23, 1974, by KOWL, Inc., is granted to the extent indicated below, and is denied in all other respects; and the issues in this proceeding are enlarged to include the following issues:

1. To determine whether William F. Souder, Jr. and/or William F. (Rik) Souder, III are real parties in interest in the application of New World Broadcasting Company and, if so, the effect thereof on the applicant's qualifications to be a Commission permittee; and

2. To determine whether the studio-transmitter site proposed by New World Broadcasting Company in its application is available to the applicant, and, if not, the effect thereof on the applicant's qualifications to be a Commission permittee; and

3. To determine who conducted the interviews of community leaders relied on by New World Broadcasting Company, and, in light of the evidence adduced, whether the applicant has complied with the requirements set forth in the Commission's Primer; and

4. To determine the nature and extent of the proposed participation of George E. Sharp, Robert L. Hamilton, James E. Curry, Jerry N. Millard, James S. White and Robert Q. Stanton in the application of Entertainment Enterprises, Inc. and the effect thereof on that applicant's financial qualifications.

33. *It is further ordered,* That the burden of proceeding with the introduction of evidence under Issue 1 shall be on KOWL, Inc. and the burden of proof under Issue 1 shall be on New World Broadcasting Company; that the burden of proceeding with the introduction of evidence and the burden of proof under Issues 2 and 3 shall be on New World Broadcasting Company; and that the burden of proceeding with the introduction of evidence and the burden of proof under Issue 4 shall be on Entertainment Enterprises Inc.

Adopted: November 15, 1974.

Released: November 25, 1974.

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

[FR Doc.74-28028 Filed 11-29-74;8:45 am]

[Docket No. 20243, 20244; File No. BPH-8842, BPH-8954]

ROBERT M. ZITTER AND HILLARY E. ZITTER AND DAN COMMUNICATIONS INC.

Designating Applications for Consolidated Hearing on Stated Issues

NOVEMBER 22, 1974.

In re applications of Robert M. Zitter and Hillary E. Zitter, Monticello, New York, Requests: 98.3 MHz, #252; 2.36 kW (H&V); 328 feet; Dan Communications, Inc., Monticello, New York, Requests: 98.3 MHz, #252; 2 kW (H&V); 358 feet, for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in the same community.

2. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

3. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine which of the proposals would, on a comparative basis, better serve the public interest.

[19] Thus, the Bureau's questions in this regard have been adequately answered.

[20] Again, see note 8, supra. Although we note that this allegation is technically a request for a Suburban, rather than a programming, issue, we have disposed of the matter here.

[21] Moreover, in an earlier Memorandum Opinion and Order in this proceeding, 47 FCC 2d 911, 30 RR 2d 1403 (1974), we approved EEI's method of conducting its general public survey, i.e., use of the local telephone directory augmented by random sampling at a local shopping center.

[22] Finally, the Board notes that KOWL has filed both a motion to hold in abeyance its original petition and, subsequently thereto, a motion to dismiss that petition, both of which are based upon a pending agreement among the applicants looking toward withdrawal of the applications of New World and KOWL and reimbursement of expenses of EEI. However, that agreement has yet to be accepted by the Presiding Judge, who has stated (in a Memorandum Opinion and Order, FCC 74M-1341, released October 15, 1974) that he will withhold action on the joint petition and other requests pending before him until the Board acts on the instant petition. And, in any event an applicant cannot avoid the effects of an adverse resolution of a character issue by agreeing to dismissal of its application between the time a petition to add a character issue is filed and action on the petition. St. Cross Broadcasting, Inc., 39 FCC 2d 512, 26 RR 2d 939 (1973). Accordingly, the motion to hold in abeyance and the request for dismissal will be denied.

(2) To determine, in light of the evidence adduced pursuant to the foregoing issue, which, if either, of the applications should be granted.

4. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

5. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and §1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: November 22, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] PAUL WM. PUTNEY,
Acting Chief, Broadcast Bureau.

[FR Doc.74-28031 Filed 11-29-74;8:45 am]

STANDARD BROADCAST APPLICATIONS

Ready and Available for Processing

NOVEMBER 22, 1974.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on December 31, 1974, the standard broadcast applications listed below will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on December 30, 1974, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on December 30, 1974. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: November 20, 1974.

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

BP-19740 NEW, Forsyth, Montana
Gold Won Radio Corporation
Req: 1250 kHz, 5 kW, Day

BP-19752 NEW, Huntingdon, Tennessee
The Bouldin Corporation
Req: 1530 kHz, 1 kW (250 W CH), Day

BP-19753 NEW, Burkesville, Kentucky
Cumberland County Broadcasting Company
Req: 1570 kHz, 1 kW, Day

BP-19758 KAMX, Albuquerque, New Mexico
Alvin L. Korngold
Has: 1520 kHz, 500 W, Day
Req: 1520 kHz, 1 kW (500 W CH), Day

BP-19762 NEW, Morgantown, Kentucky
Lincoln Broadcasting Co., Inc.
Req: 1570 kHz, 250 W, Day

BP-19774 WKTZ, Jacksonville, Florida
Jones College
Has: 1220 kHz, 1 kW, Day (Arlington, Florida)
Req: 1220 kHz, 5 kW, DA-Day (Jacksonville, Florida)

BP-19776 NEW, Marshall, Arkansas
Ozark Mountains Broadcasting Company
Req: 1600 kHz, 1 kW, Day

BP-19777 NEW, Penuelas, Puerto Rico
Penuelas Broadcasting Corporation
Req: 1570 kHz, 1 kW, Day

BP-19801 NEW, Dillingham, Alaska
Dillingham City School District
Req: 670 kHz, 1 kW, 5 kW-LS, U

APPENDIX

BML-2521 WKLX, Norfolk, Virginia
Rust Communications Group, Inc.
Has: 1350 kHz, 5 kW, DA-2, U (Portsmouth, Virginia)
Req: 1350 kHz, 5 kW, DA-2, U Norfolk,Virginia)

BP-14036 NEW, Carmichael, California
Olympic Broadcasters, Inc.
Req: 710 kHz, 250 W, DA-1, U

BP-19651 KBOX, Dallas, Texas
Group One Broadcasting Co. of Texas
Has: 1480 kHz, 500 W, 5 kW-LS, DA-2, U
Req: 1480 kHz 1 kW, 5 kW-LS, DA-2, U

BP-19686 KTWO, Casper, Wyoming
Harriscope Broadcasting Corporation
Has: 1470 kHz, 1 kW, 5 kW-LS, U (Lic.)
Has. 1030 kHz, 10 kW, DA-N, U (CP)
Req: 1030 kHz, 50 kW, DA-N, U

BP-19702 WMIX, Mt. Vernon, Illinois
Withers Broadcasting Company of Illinois
Has: 940 kHz, 5 kW, DA-Day
Req: 940 kHz, 500 W, 5 kW-LS, DA-2, U

BP-19729 NEW, Bowling Green, Virginia
Eastern Communications Associates
Req: 1570 kHz, 500 W, Day

BP-19730 KHVH, Honolulu, Hawaii
KHVH, Inc.
Has: 1040 kHz, 5 kW, U
Req: 1010 kHz, 10 kW, U

BP-19731 NEW, Fort Kent, Maine
Melvoc, Inc.
Req: 1340 kHz, 250 W, U

BP-19733 NEW, Berwick, Louisiana
Phillips Radio, Inc.
Req: 1170 kHz, 1 kW, DA-Day

BP-19735 NEW, Dickinson, North Dakota
Roughrider Broadcasting Co.
Req: 1460 kHz, 5 kW, DA-N, U

[FR Doc.74-28027 Filed 11-29-74;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

NONMEMBER COMMERCIAL BANKS

Weekly Money Supply Reports

By Notice in the FEDERAL REGISTER (39 FR 22185, June 20, 1974, FR Doc. 74-14153) the Board of Directors of the Federal Deposit Insurance Corporation established a five-month test period for the weekly collection of data for specified items, vault cash and cash items in process of collection on prescribed days from insured nonmember commercial banks which had more than $100 million in deposits at year-end 1973. The original test period, extending from June 20, 1974, to November 27, 1974, is hereby extended for an additional period beginning on November 28, 1974, and running through the week ending May 7, 1975. All other terms and conditions of the test program are readopted and continue without change.

The extension of this reporting requirement is made pursuant to authority contained in paragraph (a) of section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)).

By order of the Board of Directors, November 20, 1974.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.74-28087 Filed 11-29-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

REFINERS BUY-SELL LIST

Crude Oil Allocation Notice

Pursuant to the authority of the Emergency Petroleum Allocation Act of 1973 and E.O. 11790, 39 FR 23185, and in accordance with the provisions of 10 CFR 211.65, the notice specified in § 211.65(e) is hereby published. The notice lists the sales obligations and purchase opportunities for refiners for the allocation quarter commencing December 1, 1974.

The buy-sell list is set forth as an appendix to this notice. Included as part of the list, as required by § 211.65(e), are: the quantity of crude oil each refiner-buyer is eligible to purchase, the total allocation obligation for all refiner-sellers, the fixed percentage share for

each refiner-seller and the quantity of crude oil that each refiner-seller is obligated to offer for sale to refiner-buyers. The sales obligation of each refiner-seller reflects the adjustments provided for by § 211.65(d)(3).

The buy-sell list is applicable for the period December 1, 1974 to February 28, 1975. The provisions of 10 CFR 211, Subpart C, apply to all transactions made under the buy-sell list.

The buy-sell list covers PAD districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to § 211.65(d), refiner-sellers are required to offer the amount of crude oil listed by their names for sale to refiner-buyers. Under § 211.65 (a), refiner-buyers have the opportunity to purchase crude oil up to the amounts listed by their names.

The procedures of 10 CFR 211, Subpart C, applicable to transactions under the buy-sell list provide that if a sale is not agreed upon within 15 days of the date of publication of this notice, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request FEA to direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such a request must be made within 30 days of the publication of this notice. Upon such request, FEA may direct one or more refiner-sellers which have not sold their allocation quarter quantity to sell crude oil to the refiner-buyer. If the refiner-buyer declines to purchase the crude oil specified by FEA, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during this allocation quarter, providing that the refiner-seller or refiner-sellers in question have fully complied with the provisions of Subpart C. Refiner-buyers making such request must provide the FEA with the following information:

1. Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy-sell list transactions.

2. Names and locations of the refineries for which crude oil is sought, the amount of crude oil sought for each refinery, and the technical specification range of crude oil which can be processed in each refinery.

3. Names and locations of all refiner-sellers from which crude oil has been sought under the buy-sell list and the volume and specification of the crude oil sought from each.

4. Statement of any restrictions, limitations or constraints on the refiner-buyer's purchases of crude oil, with particular respect to manner or time of deliveries and price.

5. The response of each refiner-seller to which a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such refiner-seller.

6. Such other pertinent information as FEA may request.

When a refiner-seller is directed by FEA to sell crude oil to a refiner-buyer, it is expected that every reasonable effort will be made to consummate a transaction. Upon either termination of negotiations or consummation of a transaction, FEA shall be advised of the outcome by both parties.

Each refiner-buyer and refiner-seller will report the details of each transaction under the buy-sell list to FEA on Form 903 (rev.).

Refiner-buyers wishing to receive an allocation in the allocation quarter commencing March 1, 1975, with respect to future refining capacity (as defined in 10 CFR 211.62) that is not presently taken into account in determining their respective purchase opportunities, must apply to the FEA for certification of that capacity no later than December 30, 1974.

All reports and applications made under this notice should be addressed to:

Fuel Manager, Crude Oil
Federal Energy Administration
Code 10
Washington, D.C. 20461

Issued in Washington, D.C., November 26, 1974.

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

APPENDIX

The list of refiner-sellers and refiner-buyers for the period December 1, 1974, through February 28, 1975, is as follows. The list sets forth the identity of each refiner-seller and refiner-buyer, the fixed percentage share of each refiner-seller, and the volumes of crude oil (reflecting all adjustments required under § 211.65) that each such refiner-seller or refiner-buyer is either obligated to offer for sale or is eligible to purchase, as the case may be.

Federal Energy Administration crude oil allocation for the period—December 1974 through February 1975

SALES

	Share	Barrels
Amoco Oil Co.	0.099	9,613,920
Atlantic Richfield	.072	8,018,578
Cities Service	.023	2,239,073
Continental Oil	.034	4,033,853
Exxon	.112	11,604,692
Getty/Skelly	.020	1,750,982
Gulf Oil	.086	7,390,705
Marathon	.022	2,158,321
Mobil	.089	9,239,216
Phillips Petroleum	.039	3,701,900
Shell	.107	10,571,240
Socal/Chevron	.096	8,692,218
Sun	.052	7,212,689
Texaco, Inc.	.107	14,476,421
Union Oil Co. of California	.043	3,647,450
Total sales		104,351,258

Federal Energy Administration crude oil allocation program for the period—December 1974 through February 1975

PURCHASES

	Barrels
Allied Materials Co.	123,502
Amerada Hess Corp.	13,794,214
American Petrofina	3,921,560
Apco Oil Corp.	357,975
Arizona Fuels Corp.	
Ashland Oil Inc.	8,761,785
Axel Johnson	
Bay/Dow	136,950
Bayou State Oil Corp.	
Beacon Oil Co.	249,486
C&H Refining	26,827
Calumet Industries	
Canal Refining Co.	
Caribou Four Corners	
Champlin Petroleum	1,036,128
Charter Oil Co.	529,000
Claiborne Gas Co.	
Clark Oil & Refining Co.	1,735,421
Coastal States Gas	6,460,970
Commonwealth Oil Refining	2,525,750
CRA-Farmland Industries Inc.	2,092,860
Cross Oil & Ref-Ark	79,466
Crown Central Petroleum	1,949,063
Crystal Oil Refining	143,886
Crystal Refining Co.	136,584
Delta Refining Co.	1,651,631
Diamond Shamrock	
Dingman Oil & Refining Co.	
Dorchester Gas	
Eddy Refining Co.	
Edgington Oil Co.	572,365
Edgington Oxnard Refining	
Evangeline Refining	
Famariss Oil Corp.	1,803,635
Farmers Union Exchange	1,730,125
Fletcher Oil & Refining	225,805
Flint Chemical Corp.	
Gary Operating Co.	881,789
Giant Industries	764,310
Gladieux Refinery	
Golden Eagle Refining Co.	467,250
Good Hope Refineries	
Guam Oil & Refining	
HIRI	598,534
Howell Corp.	898,247
Hunt Oil Co.	
Husky Oil Co.	1,648,657
Indiana Farm Bureau	109,875
J & W Refining, Inc.	595,817
Kentucky Oil-Refining Co.	
Kerr McGee Corp.	
Koch Refining Co.	
La Gloria Oil-Gas CP	493,423
Lakeside Refining Co.	
Laketon Asphalt Refining	9,070
Little America Refining	392,373
MacMillan Refining Oil Co.	786,293
Marion Corp.	
Mid America Refining	50,000
Mid-Tex Refinery	597,117
Midland Co-op. Inc.	755,339
Mohawk Petroleum Co.	316,534
Monsanto Co.	347,300
Morrison Petroleum	
Mountaineer Refinery	15,094
Murphy Oil Corp.	2,373,836
National Coop Refining	1,558,188
National Oil Recovery	238,847
Navajo Refining Co.	31,113
Newhall Refining Co.	457,469
North American Petroleum	755,914
Northland Oil & Refining	398,078
Oil Shale Corp.	2,400,750
OKC Corp.	
Oriental Refining Co.	13,070
Pasco Inc.	235,615
Pennzoil Co.	633,660
Pioneer Refining	92,750
Plateau, Inc.	
Powerine Oil Co.	2,078,162
Pride Refining Inc.	1,451,010
Quaker State Oil Refining	
Road Oil Sales, Inc.	5,750
Rock Island Refining	30,025
Saber	463,283
Sagecreek	70,716
San Joaquin Refining	

	Barrels
Seminole Asphalt Refining	483,500
Somerset Refinery	
Sound Refining, Inc.	210,625
South Hampton	1,113,620
Southland Oil Co	224,613
Southwestern Refining Co	
Standard Oil of Ohio	14,455,966
Sunland Refining Co	510,976
Tenneco Oil Co	2,398,750
Tesoro Petroleum Co	
Texas Asphalt & Refining	367,694
Texas City Refining	3,521,750
Texas Fuel & Asphalt	104,655
Thagard Oil	9,680
The Refinery Corp	842,875
Thriftway Co	29,976
Thunderbird Resource	
Tonkawa Refining Co	48,992
Toro Petroleum	2,641,163
Total Leonard Inc	368,681
Union Texas Petroleum	
United Independent	
United Refining Co	977,499
US Oil Refining Co	360,574
V-1	
Vickers Petroleum Co	690,895
Vulcan Asphalt Refining	97,989
Warrior Asphalt Corp	73,035
West Coast Oil Co	
Western Refining Co	727,338
Wickett Refining	426,899
Winston Refining Co	119,524
Wireback Oil Co	7,921
Witco Chemical Corp	478,089
Wood County Refining	38,449
Yetter Oil Co	2,135
Young	257,147
Total purchases	104,351,256

[FR Doc.74-28086 Filed 11-26-74;4:14 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. No. 182]

FRANK G. MATAVOSKY, INC.

Receipt of Application

NOVEMBER 25, 1974.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Frank G. Matavosky, Inc., Villa Park, Illinois, a unitary savings and loan holding company, for approval of acquisition of control of Illinois Savings and Loan Association, Villa Park, Illinois, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by an exchange of the common stock of Frank G. Matavosky, Inc. for the permanent reserve stock of Illinois Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before January 2, 1975.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.74-28041 Filed 11-29-74;8:45 am]

[H. C. No. 183]

INVEST-TEX, INC.

Receipt of Application

NOVEMBER 25, 1974.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Invest-Tex, Inc., Tyler, Texas for approval of acquisition of control of First Savings and Loan Association of Athens, Athens, Texas and Tyler Savings and Loan Association, Tyler, Texas, two insured institutions, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by a combination cash purchase and exchange of the common stock of Invest-Tex, Inc. for the permanent reserve stock of First Savings and Loan Association of Athens and by an exchange of common stock of Invest-Tex, for the permanent reserve stock of Tyler Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before January 2, 1975.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.74-28040 Filed 11-29-74;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311 (p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/Operator and Vessels*
01011---	Aktieselskabet Det Ostasiatiske Kompagni: *Songkhla.*
01014---	Robert Bornhofen Reederei: *Specialist.*
01032---	The Graig Shipping Company Limited: *Graigwerdd.*
01330---	Shell Tankers (U.K.) Ltd.: *Mitra.*
01334---	American President Lines, Ltd.: *President Garfield.*
01354---	H. E. Hansen Tangen: *Benares.*
01423---	Charente Steamship Company Limited: *Barrister.*
01683---	Valdesa Compania Naviera S.A.: *Cape Araxos.*
02017---	Armadores Consolidatos S.A.: *Dafra Paul.*
02034---	The Australind Steam Shipping Co., Ltd.: *Araluen.*
02152---	A.F. Klaveness & Co., A/S: *Roseville.*
02190---	Bugsier-, Reederei- und Bergungs-Aktiengesellschaft: *P.W.D. Victoria.*
02198---	Peninsular & Oriental Steam Navigation Co.: *Treneglos.*
02276---	Atromitos Shipping Co. Ltd. of Liberia: *Avance.*
02328---	Saturn Shipping Co., Ltd.: *County Clare.*
02442---	Angfartygs Aktiebolaget Alfa: *Penelope.*
02450---	Rederiaktiebolgaget Hildegaard: *Ibis.*
02545---	World Carrier Corp.: *Ruby.*
02548---	Compania Maritima San Basilio S.A.: *Eurybates.*
02551---	Ellerman Lines Ltd.: *Athenian, Sangro.*
02629---	Partenreederei Ms Ino, Kiel: *Boston Express.*
02715---	Allied Towing Corporation: *DZ-55, DZ-56, RT-1.*
02958---	Kawaskaki Kisen K.K.: *Chile Maru, Ohshima Maru, Sakishima Maru.*
02961---	Kobe Kisen Kabushiki Kaisha: *Asahi Maru.*
02966---	Prosperity Transport Corporation, Incorporated: *Prosperity.*
03012---	Aliki Liberian Maritime Co.: *Tarpon Springs.*
03329---	Hudson Waterways Corporation: *Trans Hawaii, Trans Idaho, Trans Oregon.*
03413---	Baba-Kalko Shosen K.K.: Melbourne Maru, *Panama Maru.*
03438---	Inui Kisen Kabushiki Kaisha: *Kensho Maru.*
03449---	Kokudo Sangyo K.K.: *Tanba Maru, Tsurusaki Maru.*
03453---	Kyosei Kisen K.K.: *Yeiju Maru.*
03459---	Meiji Kaiun K.K.: *Meishusan Maru.*
03471---	Nippo Kisen Kabushiki Kaisha: *Queen Venture.*
03502---	Shinyei Senpaku K.K.: *Acapulco Maru.*
03530---	Yashima Kaiun K.K.: *Hishishima Maru.*
03617---	Toko Senpaku K.K.: *Eishin Maru.*
03664---	Supertanker Corporation, Liberia: *Samson.*
03841---	American Export Lines, Inc.: *Executor.*
03856---	Mercuria Transportation Co., Inc.: *Gem.*
04007---	Egon Oldendorff: *Helga Oldendorff.*
04080---	Port Arthur Towing Company: *GDM 10, GDM 20, GDM 30, GDM 60.*
04128---	Skips A/S Westray: *Jenka.*
04184---	M/G Transport Service, Inc: *MG 10A, MG 10B, MG 10C, M/G 10D, M/G 11A.*
04282---	Kommandittselskapet Norvest: *Norvest.*
04289---	Dixie Carriers, Inc.: *Barge 102.*
04355---	Callosa Compania Naviera S.A.: *Evgenia G.*
04398---	Hapag-Lloyd Aktiengesellschaft: *Iserlohn.*
04601---	American Tunaboat Association: *Invader.*
04603---	Tennessee Valley Sand & Gravel Company: *Derrick Boat McCullough, Dredge No. 1.*
04625---	American Commercial Lines Inc.: *Chem 31.*
04627---	Inland Tugs Co.: *La Salle.*
04640---	McAllister Lighterage Line Inc.: *McAllister 2, McAllister 4, Steel Weld.*
04803---	Brent Towing Company Inc.: *AC-4.*
05046---	Magnolia Marine Transport Co.: *MM-I, MM-3, MM-II.*
05108---	Compania Naviera Pearl S.A.: *Suying.*
05170---	Universal Tramp Shipping Company S.A.: *Meltemi.*
05197---	Stravelakis Bros. Ltd.: *Lastrigoni.*
05496---	Heron Navigation Company Ltd.: *Ikuta.*
05520---	Union Carbide Corp.: *IOT 301, IOT 302.*
05608---	Fekete & Company: *Jon Ramsoy.*

Certificate No.	Owner/Operator and Vessels
05717---	Colombiana Interacional de Vapores Ltda. Colvapores: *Anamilean, Felipe, Francisco Miguel.*
05854---	Levin Metals Corporation. *Leray Wilson, Thomas F. Nickel.*
05866---	Efmariners Compania S.A. Panama: *Kaptayanni.*
06044---	Mayflower Transport & Trading Comp. NV: *Sylvia-3.*
06300---	The Delaware River and Bay Authority: *Cape May.*
06450---	Hoover Shipping Co., Inc.: *Anna Trader.*
06536---	Panfiel Navegacion S.A. Panama: *Aristarchos.*
06651---	Zarakes Compania Naviera S.A.: *Yucatan.*
06775---	Whitco (Marine Services) Ltd.: *Labrador Clipper.*
07019---	Allied Shipping International Corporation: *Virgo.*
07288---	Chester Ferry Corporation: *Bridgeport, Chester, Delaware.*
07367---	Alliance Marine Corporation: *Conwell.*
07374---	Ocean Tramping Company Limited: *Buku.*
07466---	Ulysses Maritime Company Limited: *Erasmia.*
07779---	Apollo Shipping Co., Inc.: *Apollo II.*
07893---	Seaways Carriers Limited: *Eleranta.*
07950---	Norman Offshore Services, Inc.: *NOS-4, NOS-7.*
07953---	Daiki Kaiun K.K.: *Yamaki Maru.*
08095---	Newcastle Shipping Co., Ltd.: *Newcastle Trader.*
08101---	Linda Navigation Corporation: *Linda.*
08210---	Opal Shipping Co., Ltd.: *Elgreca.*
08344---	Hammerton Shipping Company S.A.: *Eastern Bridge.*
08553---	Industrial Fuel Oil Inc.: *Erie, Superior.*
08696---	Maritimas Eslait & Cia: *Ingrid Judith.*
08707---	Marfreighters Ltd.: *Ria M.*
08805---	Compagnia di Navigazione Siciliana S.P.A.: *MSF-320, U.S.S. Watts.*
08954---	Wilh. Chr. Bech Rederi- & Skibsmaegler-Forretning: *Henriette Bravo, Leila Bech.*
09074---	Zuito Shipping Co., Ltd.: *Ginko Maru.*
09177---	Taragona Shipping Corporation: *Monaco.*
09347---	Eagle Shipping, Ltd.: *New Day.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-28060 Filed 11-29-74;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owners/Operators and Vessels
01014---	Robert Bornhofen Reederei: *Rapid Bridge.*
01017---	Westfal-Larsen & Co. A/S: *Berganger, Varanger.*
01019---	Hagb, Waage: *Songa.*
01103---	Poseidon Schiffahrt Gesellschaft mit Beschrankter Haftung: *Frieland.*
01323---	Manchester Liners Limited: *Asian Reward.*
01325---	O. H. Meling: *Sea Bird.*
01336---	A/S Borgestad: *Milles.*
01351---	The Hadley Shipping Co., Ltd.: *Cymbeline.*
01360---	Midland Enterprises Inc.: *CH-1794X, CH 3294, CH 3390, CH-3690X.*
01504---	Yngvar Hvistendahl: *Westbulk.*
01891---	Canal Barge Co., Inc.: *CBC 517, CBC 518, CBC 519, CBC 520.*
01904---	Waterman Steamship Corporation: *Samuel Chase.*
01982---	Ab Svenska Ostasiatiska Kompaniet: *Nagara.*
02013---	Granges AB: *Torne.*
02041---	Dalmor Przedsiebiorstwo Polowow Dalekomorskich 1 Uslug Rybackich: *Sirius.*
02274---	Albis Ardua Societa di Navigazione: *Panormus.*
02551---	Ellerman Lines Ltd.: *City of Ankara.*
02715---	Allied Towing Corporation: *ATC-91, ATC-92.*
02736---	Reichhold Chemicals, Inc.: *ETT 108, ETT 117, ETT 125, RV 10.*
02877---	Nippon Yusen Kabushiki Kaisha: *Jinyu Maru.*
02902---	Alamo Chemical Transportation Co.: *Alamo 2101.*
03276---	Universe Tankships, Inc.: *Universe Mariner.*
03315---	Afran Transport Company: *Afran Mercury.*
03336---	Tennessee Towing Company: *Lasalle.*
03389---	Shell Tankers B. V.: *Fulgur, Mitra.*
03397---	Hilmer Reksten: *Lucian.*
03413---	Baba-Daiko Shosen K. K.: *Arimasan Maru, Ashby Maru, Chicago Maru.*
03469---	Nihon Kaisho Kabushiki Kaisha: *Daioh Maru, Hamburg Maru.*
03482---	Ryutsu Kaiun K. K.: *Ryuko Maru, Ryushun Maru.*
03484---	Sanko Kisen K. K.: *Golden Daffodil, Shunko Maru, Rio Horizonte.*
03531---	Yuyo Kaiun K. K.: *Palace Tokyo.*
03654---	Transatlantic Tramp Ships, Inc.: *Mikasa.*
03708---	Puget Sound Tug and Barge Company: *PAC 312-2, PAC 312-3.*
03923---	Shinwa Kaiun Kaisha, Ltd.: *Daiho Maru.*
04080---	Port Arthur Towing Company: *W. F. Fredeman, Jr.*
04098---	Hougland Barge Line, Inc.: *WGH 12.*
04212---	Nilo Barge Line, Inc.: *ATC 6000.*
M-04218	Zidell, Inc., Zidell Dismantling, Inc., and Zidell Explorations, Inc.: Vessels not over 19,733 gross tons.
04262---	Eddie Steamship Company, Ltd.: *Anita.*
04287---	Monsanto Company: *Chem III, P-394-A, P-394-B.*
04299---	Erie Navigation Company: *Peerless.*
04404---	Lars Rej Johansen: *Joalaska.*
04580---	Marine Transport Lines Inc.: *Justeid.*
04601---	American Tunaboat Association: *Jeannine.*
04803---	Brent Towing Company Inc.: *B-113, B-128, B-1024, B-1124, B-213, B-818.*
04808---	Tri-W-Towing Company, Inc.: *Frank H. Peavey.*
04884---	Hall Corporation Shipping Ltd.: *Doan Transport.*
05008---	Star Kist Foods, Inc.: *Costa de Marfil.*
05155---	Bultema Dock & Dredge Co.: *B 4, B 6, BD 1.*
05197---	Stravelakis Bros., Ltd.: *Rea.*
05204---	Steuart Transportation Co.: *STC-411.*
05432---	Lloyd Triestino, Societa'per Azioni di Navigazione: *Palatino.*
05497---	Holy Co., Ltd.: *Holylight.*
05520---	Union Carbide Corporation: *MG-10A, MG-10B, MG-10C, MG-10D, MG-11.*
05549---	Polska Zegluga Morska: *Kasprowy Wierch.*
05577---	Far Eastern Shipping Co.: *Grigoriy Alekseev, Vankarem.*
05580---	Kamchatka Shipping Company: *Roslavl.*
05757---	Cia de Transports Maritimes Petroliers: *Alsace.*
05854---	Levin Metals Corporation: *DE-667, DE-699, DE-808, DE-884, DE-1026, DER 328, Polaris.*
05858---	Interislands Shipping Co., Ltd.: *Palm Islands.*
06013---	Osaka Asahi Kaiun Kabushiki Kaisha: *Tarakan Maru.*
06103---	Valiant Shipping Co., Inc.: *Valiant Racer.*
06129---	Azov Shipping Company: *Komsomolets Belorussii.*
06165---	Soponata-Sociedade Portuguesa de Navios Tanques Limitada: *Marofa.*
06460---	Chemtech Leasing, Inc.: *CT 400, CT 500.*
06588---	Hanover Towing, Inc.: *RT-1.*
06706---	Miskal Shipping Co., S.A.: *Sunhope.*
06938---	Protrans Co., Inc.: *ETT-104, ETT-105, ETT-113.*
07171---	Flensburger Ubersee-Schiffahrtsgesellschaft Jacob MBH & Co., KG.: *Tom Jacob.*
07422---	Trans-American Lines, S.A.: *Transamerican.*
08462---	Whiteline Navigation Co., Ltd.: *Sacramento Venture.*
08560---	Serena Shipping Company: *Neso.*
08617---	Fairmont Enterprises Limited: *Trophy, Ventura Mundial.*
08658---	Il Woo Marine Co., Ltd.: *Ocean Green.*
08778---	Hercules Incorporated: *Herpro 1, Herpro 11.*
08833---	General Metals of Tacoma Inc.: *Burrard Dry Dock No. 3.*
08858---	Miryung Navigation Co., Ltd.: *Pine Star, Teak Star.*
08890---	Shoyu Sangyo Kabushiki Kaisha: *Fujiaki Maru.*
09057---	Ryan-Walsh Stevedoring Co., Inc.: *OE 101.*
09098---	The Boswell Oil Company: *ABL-205, Chris, ETT 120, ETT 122, ETT 123, MV 283, MV 284.*
09140---	Theriot Overseas Service, Inc.: *Theriot Offshore IV, Theriot Offshore V, Theriot Offshore VI.*
09179---	Seashine Navigation Corporation, Limited: *Great Justice.*
09224---	Greenville Towing Company, Inc.: *Linda, Tennessee.*
09253---	Melville Bay Shipping Co., Ltd.: *Gallant Express.*
09302---	Cia de Nav. Dilva S.A. Panama: *River Rose.*
M-09311	National Steel and Shipbuilding Company: Vessel not over 46,000 gross tons.
09346---	Marmonarca Navegacion SA.: *Lord Hastings.*

Certificate No.	Owner/Operator and Vessels
09365	Trident Fishing Company No. 1: *Theresa Ann.*
09366	Trident Fishing Company No. 2: *Patricia Lee.*
09367	Trident Fishing Company No. 3: *Katherine Lisa.*
09397	Cape Cuvier Shipping Co., Ltd.: *Titika P.*
09407	Interessentskapet Saga Spirit: *Osco Spirit.*
09409	Walker Midstream Fuel and Service Company: *CC–208.*
09436	Daerim Fishery Co., Ltd.: *Chung Yong No. 3.*
09453	Partrederiet for Mercandian Importer: *Mercandian Importer.*
09454	Partrederiet for Mercandian Transporter: *Mercandian Transporter.*
09455	Partrederiet for Mercandian Exporter: *Mercandian Importer.*
09461	Delphi Shipping Management Corp.: *Ephesos.*
09462	Sun Transportation Co.: *Cindy Sue.*
09465	River Barges, Inc.: *Joyce O.*
09469	Stevedores, Inc.: *Agnes "B".*
09474	Corcord Maritime Corporation, Inc.: *Universal Tato.*
09482	Morfini S.P.A.: *Egnazia.*
09484	Baltic Ltd.: *Baltic.*
09488	Saray Shipping Company S.A.: *Cap Saray.*
09489	Oy Hango Ship-Owners AB: *Hangvind.*
09491	E. T. Slider, Inc.: *E. T. Slider, Inc. Dredge No. 6.*
09492	Stephen & Stephen S.A.: *Zaida.*
09493	Trawler Cambridge, Inc.: *Saint Patrick.*
09494	Ogden Congo Transport, Inc.: *Ogden Congo.*
09495	Lindinger Jade K/S: *Lindinger Jade.*
09496	Mar Pacifico S.A.: *Cinco Oceanos No. 151, Pais del Este No. 57, Sirena No. 1.*
09498	Veba-Chemie AG: *Westfalen, Baden.*
09499	Garden Moon Shipping Ltd., *Garden Moon.*
09500	Buralex Maritime S.A.: *Papalexis.*
09501	Hetland Shipping Co. K/S: *Stainless Shipper.*
09502	Great Circle Shipping Corp.: *Martha S.*
09503	Sirines Shipping Company S.A.: *Faneromeni.*
09506	Lirio de Navegacion S.A.: *Easter Lily.*
09507	Hellenic Mediterranean Cruises and Car Ferry Services, S.A.: *Atlas.*
09509	Partrederiet for M/T Mariann: *Mariann.*
09510	Paducah Diesel Service: *OR 947.*
M–09511	Pinto Island Metals Company: Vessels not over 8,000 gross tons.
09512	Robert C. Haldeman, Trustee of the Property of the Lehigh Valley Railroad Company, Debtor: *Carfloat 1703, Carfloat 1201, Carfloat PC84.*
09514	Reidy Terminal Incorporated: *EB–105.*
09517	Big B Barge Service, Inc.: *James W. Moore 100, Jimmy M, GDM–40, GDM–50.*
09518	Pacific Universal Navigation S.A.: *Pacific Reefer.*
09521	Expomar S.A.C.I.F.A.N.: *Meri-Primero.*
09522	Anders Stokka Rederi A/S, A/S Stokksund: *Stokksund.*
09523	Brownarrow Shipping Inc.: *Asia Honesty.*
09524	Partrederiet "Miquelon": *Miquelon.*
09525	Partrederiet "Ice Pearl": *Ice Pearl.*
09526	Azalea Shipping Company S.A.: *Kriti Sea.*
09527	Partrederiet "Avalon": *Avalon.*
09528	Partrederiet "Ice Flower": *Ice Flower.*
09529	Millstone Tankers Inc.: *Black Builder.*
09531	Societa' Partenopea di Navigazione S.P.A.: *Span Prima, Span Seconda.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–28061 Filed 11–29–74;8:45 am]

[Docket No. 73–35]

INTERMODAL SERVICE OF CONTAINERS AND BARGES AT THE PORT OF PHILADELPHIA

Possible Violations of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933

In the Appendix to the Order served June 18, 1973, as amended by the Errata, served June 21, 1973, make the following additions:

On the second unnumbered page entitled: "Independent Operators in the Foreign Trade", add:

Columbus Line
2000 Hamburg 11
Ost-West Strasse 59
Hamburg, Germany
(New Zealand Trade)

Pacific America Container Express Line (Pace Line)
c/o Associated Container Transportation (USA)
90 West Street
New York, N.Y. 10006
(New Zealand Trade)

Add at the end of the Appendix, the following conferences and their member lines:

Philippine-North America Conference
(Agreement 5600)
P.O. Box 1376
Manila, Philippines

New York Freight Bureau/Hong Kong
(Agreement 5700)
P and O Building, 17th Floor
77 Des Voeux Road Central
Hong Kong, B.C.C.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–28059 Filed 11–29–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72–122; PGA No. 75–3]

COLORADO INTERSTATE GAS CO.

Proposed Change in Rates Under Purchased Gas Adjustment Clause Provisions

NOVEMBER 21, 1974.

Take notice that Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (CIG), on November 15, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. The proposed changes would increase the commodity rate under each of CIG's jurisdictional rate schedules by 0.62 cents per Mcf.

CIG states that the filing is made pursuant to the provisions of section 21 of CIG's FPC Gas Tariff, Second Revised Volume No. 1, which authorizes the Company to change its rates coincident with a pipeline supplier rate change, and is solely for the purpose of compensating CIG for increased costs from one of its pipeline suppliers, Northwest Pipeline Corporation. The filing is proposed to be effective on January 1, 1975, the anticipated date of the Northwest increase to CIG, or on such other date the Northwest increase is permitted to go into effect.

Copies of the filing have been served upon the Company's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street 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 December 16, 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.74–27987 Filed 11–29–74;8:45 am]

[Project No. 2338]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Order Directing Prompt Completion of Hearings and Denying Without Prejudice Motion To Reopen in Full

NOVEMBER 22, 1974.

In a decision issued earlier this year, the United States Court of Appeals for the Second Circuit imposed upon us a deadline of January 1, 1975, for the issuance of our further opinion on the fisheries question presented by the Storm King Project. The Administrative Law Judge who is presiding over the remanded hearings has informed us that in his opinion the deadline cannot be met. We herein conclude that the deadline must be met. In light of the court's language, we regard it as our inescapable duty to speak to the substance of the fisheries question before this year has ended.

Also before us is a petition to reopen in full the licensing proceeding, so that all questions can be explored or reexplored, including the economic feasibility

of the project in light of current financial conditions, and alternatives to the project that are available now. We deny that motion as premature, without prejudice to its renewal at an appropriate later date.

It is unnecessary for us to recite here the long history of the Storm King Project, a pumped storage hydroelectric project to be located on the Hudson River at Cornwall, New York. It is sufficient to say that, following our most recent opinion issuing a license for the project on August 18, 1970 (44 FPC 350), and the affirmance of that opinion by the Court of Appeals in Scenic Hudson Preservation Conference v. FPC, 453 F. 2d 463 (1971), cert. denied, 407 U.S. 926 (1972), the issue of the correctness of our findings concerning fish protection and preservation was again drawn in question. On May 8, 1974, the Court of Appeals, in Hudson River Fishermen's Association v. F.P.C., 498 F. 2d 827, rehearing denied July 1, 1974, remanded to us the fish conservation issue. The issue as defined by the Court is

> the extent to which the plant poses a danger to fish life and whether such danger can, as a practical matter, be elimiated or greatly minimized. (p. 835)

The court observed that

> If the danger is found to be greater than previously predicted and if the plant or plant operations cannot be altered effectively to remove or substantially prevent this danger, then the Commission must decide whether to reopen completely the licensing proceedings to determine whether the benefits to be provided by this plan outweigh its costs in terms of danger to fish life. (Ibid.)

The court had earlier in its opinion dismissed the petition filed by the Scenic Hudson Preservation Conference to reopen the record for the consideration of other issues. But in so doing, it dismissed the petition without prejudice to its renewal if "the Commission has not affirmatively found fish protection and preservation adequate by January 1, 1975" (p. 832). The deadline was referred to with renewed emphasis in the court's order on rehearing, issued July 1, 1974, in which it stated that the full reopening of the licensing proceeding

> will also be required if Consolidated Edison or the Commission fails to make a good faith effort to comply with the deadline set by this court for the completion of the hearing. (pp. 835–836)

In view of the foregoing language, we cannot view the deadline of January 1, 1975, as less than binding upon us. It may be that by that date we will for our own part conclude that the proceeding must be reopened completely. But it is also possible that we may by then conclude that "the danger is not greater than previously predicted" or that plant operations can be "altered effectively"; and in that event reopening should be avoided and construction should proceed.

We note that while the date of January 1, 1975, when it first appears in the court's opinion, imposes a deadline for the issuance of our decision, that date is later imposed as a deadline "for the completion of hearings". In the usual course of our proceedings several weeks customarily elapse between the two events, but we are disinclined in this difficult case to construe the ambiguity in our favor—that is, in favor of giving the parties and ourselves additional time. We thus consider it necessary that we issue an opinion before January 1, 1975.

Our order of July 30, 1974, in this proceeding defined the remanded issue by using the words quoted above, and it ordered hearings to carry out the court's mandate. We prescribed particular procedures in order to avoid undue delay. We have since on two occasions turned to the matter, on October 4 and October 24, and have each time rejected arguments to afford more time.

In a Certification of Status Report filed November 6, 1974, Presiding Administrative Law Judge William C. Levy advises us that he has concluded that

> the Commission cannot meet the January 1, 1975, deadline for its decision consistent with the requirements of due process, despite the best efforts of all concerned.

He explains that hearings are now in process on the direct evidence offered by Consolidated Edison; that hearings with respect to answering testimony must follow, with the possibility of further hearings on rebuttal testimony; and that thereafter time for briefing and for the preparation of our opinion must be allowed. (Our order of July 30 has already eliminated an initial decision, thereby conserving several weeks.) Given the timetable he outlined, our decision on the fisheries question would be unlikely to emerge until about June of 1975.

Judge Levy's certification provided a 10-day period for comment by the parties. Comments have been filed by Scenic Hudson, the Department of the Interior, Consolidated Edison, the Attorney General of the State of New York, and the Hudson River Fishermen's Association. Scenic Hudson, emphasizing the extent and complexity of Consolidated Edison's new fisheries evidence, suggests procedural arrangements that would appear to foreclose a Commission decision earlier than the fall of 1975. Interior urges us to seek more time from the Court of Appeals. Consolidated Edison concurs generally with the conclusion of the Administrative Law Judge, and points out that construction of the project has been suspended. The Attorney General of the State of New York and the Hudson River Fishermen's Association also concur in the need for more time.

Notwithstanding the suggestions that we either ignore the deadline on seek an extension of it, and notwithstanding our reluctance to impose upon the parties and the Administrative Law Judge what we recognize to be a great burden, we are not persuaded that the court's mandate cannot be met. Our rules, particularly §§ 1.18 and 1.27, provide techniques by which proceedings can effectively be expedited, and they empower the Presiding Judge to exercise wide discretion in developing and implementing methods to shorten proceedings. We think that this is an occasion for innovative methods. It is also an occasion for more hours of hearings each day than is our custom or our preference. We believe that a combination of Judge Levy's good judgment, plus reasonable cooperation from the parties, will permit the court's objective, and ours, to be met. We shall ask that hearings be completed and briefs filed with us no later than December 16, 1974, and we shall ourselves act by January 1.

As we stated above, there is also before us a petition filed by the Scenic Hudson Preservation Conference to reopen in full the licensing proceeding. Because of the evidence on the fisheries question that Consolidated Edison has presented, Scenic Hudson contends that "the economics of the plant in current-day terms" and the availability of alternative now "must likewise be reconsidered in full". Consolidated Edison and the Staff both oppose the motion on the grounds that it is premature. Each states the view that the fisheries question remanded to us must first be decided, or at least the record on the question must be completed, before we can logically turn to the issue of whether other questions also need further exploration. We agree, and we accordingly deny the petition of Scenic Hudson to reopen in full, without prejudice to the renewal of the motion after the record in the fisheries question is closed. Because our denial is without prejudice to a later filing, we see no reason to "dispense with the necessity of filing an application for rehearing", as Scenic Hudson requests.

The Commission finds: (1) In view of the opinion of the Court of Appeals in Hudson River Fishermen's Association v. F.P.C., the Commission is required to render further findings on the question of the adequacy of "fish protection and preservation" in the Storm King Project by January 1, 1975; and it is necessary, therefore, that hearings be completed and briefs filed with us no later than December 16, 1974.

(2) The petition of the Scenic Hudson Preservation Conference, filed October 23, 1974, to reopen in full the Storm King licensing proceeding, is premature and should be denied, without prejudice to its renewal at an appropriate later date.

The Commission orders: (A) The Presiding Administrative Law Judge shall take such steps as may be necessary and appropriate, and as may be contemplated by our Rules, to arrange a schedule for hearings and briefing in this proceeding so that the record may be closed and certified to us, and all briefs may be filed, no later than December 16, 1974.

(B) The petition of the Scenic Hudson Preservation Conference, filed herein on October 23, 1974, is denied without prejudice.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-27989 Filed 11-29-74;8:45 am]

[Docket No. RP74-90]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Deferral of Surcharge Elimination

NOVEMBER 22, 1974.

Take notice that on November 13, 1974, Consolidated Gas Supply Corp. (Consolidated) tendered for filing a proposal to defer elimination of a surcharge of .05¢ per Mcf representing a research and development cost adjustment.

Consolidated states that the tariff sheet reflecting this surcharge was filed on September 25, 1974, and approved by the Commission on November 8, 1974. According to Consolidated, this adjustment would normally be in effect for a six month period.

Consolidated further states that it submitted for filing on November 5, 1974 revised tariff sheets for the purpose of putting into effect on December 1, 1974, a general rate increase. Consolidated states that the research and development costs reflected in the September 25, 1974, filing were also included in the cost of service supporting the general rate increase and therefore should have been deleted as a research and development cost adjustment from the rates to become effective December 1, 1974. To avoid another revision in its rates to become effective December 1, 1974, Consolidated proposes to defer the elimination of this adjustment of .05¢ per Mcf until its next PGA filing which will become effective January 1, 1975. Consolidated states that the impact of this for the month of December will be approximately $30,000 and will be credited to Consolidated's deferred account.

According to Consolidated, copies of this filing are being mailed to each of its 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 December 6, 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.74-27986 Filed 11-29-74;8:45 am]

[Docket No. CP73-132]

DISTRIGAS CORP. ET AL.

Further Extension of Time

NOVEMBER 22, 1974.

On November 20, 1974, Distrigas Corp., Distrigas of Massachusetts Corp., Distrigas of New York Corp., Distrigas Pipeline Corp. filed a motion to further extend the time of responding to the Commission's order of November 14, 1974, in the above-designated matter.

Notice is hereby given that the date for responding to the above order is extended to and including December 16, 1974.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27984 Filed 11-29-74;8:45 am]

[Docket No. CP75-142]

THE JUPITER CORP.

Application

NOVEMBER 22, 1974.

Take notice that on November 12, 1974, The Jupiter Corp. (Applicant), 400 East Randolph Street, Chicago, Illinois 60601, filed in Docket No. CP75-142 an application pursuant to section 7 (b) and (c) of the Natural Gas Act for permission and approval to abandon the sale of natural gas for resale in interstate commerce to Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), and for a certificate of public convenience and necessity to operate existing facilities in interstate commerce in order to continue to transport natural gas to Tennessee for Kerr-McGee Corp. (Kerr-McGee) and Phillips Petroleum Co. (Phillips), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By order issued August 11, 1965, the Commission authorized the continuation of sales of natural gas by Kerr-McGee and Phillips to Applicant from the Rollover Field, Vermilion Parish, offshore Louisiana, pursuant to the terms of an agreement dated February 6, 1953, among Kerr-McGee, Phillips and the Marine Gathering Co. (predecessor in interest to Applicant). Applicant states that it transports said gas to a point onshore where it resells the gas to Tennessee pursuant to an agreement dated February 6, 1953, which is on file with the Commission as Applicant's FPC Gas Rate Schedule No. 8. Applicant claims that both aforesaid agreements expired by their terms on November 1, 1974.

Applicant further states that by order issued December 13, 1968 (40 FPC 1455), the Commission directed Tennessee to pay Applicant a transportation charge for the volumes of gas received by Applicant under the aforementioned February 6, 1953, agreement and to pay Kerr-McGee and Phillips directly for the balance of the purchase price which Tennessee would have paid under its contract with Applicant. Applicant concludes that Kerr-McGee and Phillips have been, in effect, making sales to Tennessee with Applicant performing transportation services and receiving a fee therefor.

In order to conform to the Commission's December 13, 1968, order, Applicant states that it has restructured its contractual relationships with Tennessee, Kerr-McGee and Phillips such that beginning November 1, 1974, Kerr-McGee and Phillips will sell gas to Tennessee, and Applicant will transport the gas in behalf of Kerr-McGee and Phillips to the onshore point of delivery to Tennessee. Applicant states that its fee for said gas transportation will be 1 cent per Mcf of gas at 15.025 psia, which is the same rate currently being charged by Applicant for such service.

Applicant further states that because permission for and approval of the proposed abandonment of sale to Tennessee and the commencement of gas transportation service for Kerr-McGee and Phillips has not been granted by November 1, 1974, Applicant has contracted to continue the present arrangement for 5 years unless the grant of said abandonment authorization and certificate sooner occurs.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 12, 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 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27985 Filed 11-29-74;8:45 am]

[Project No. 539]

KENTUCKY UTILITIES CO.

Application for New Major License for Constructed Project

NOVEMBER 21, 1974.

Public notice is hereby given that application for new major license has been filed under the Federal Power Act (17 U.S.C. 791a–825r) by Kentucky Utilities Company (correspondence to Mr. W. B. Bechanan, Vice President, 120 South Limestone Street, Lexington, Kentucky 40507), for its constructed Lock No. 7 Hydroelectric Project No. 539, located in Mercer County, near Harrodsburg, Lexington and Danville, Kentucky, on the Kentucky River. The present license for Project No. 539 will expire on December 30, 1978. This project affects navigable waters of the United States, lands of the United States within Mercer County, and a government dam.

The existing Project No. 539, operated as a run-of-the-river project, consists of: (1) a powerhouse constructed adjacent to U.S. Lock and Dam No. 7 containing three generating units, each rated at 680 kW; (2) an outdoor substation with four single phase 2.3/33 kv—833 kva transformers and one 33 kv oil circuit breaker; (3) a 33 kv transmission line from said substation to the point of connection with the Applicant's present transmission system in Jessamine County; (4) telephone lines and control circuits; (5) flashboards not exceeding 3 feet in height installed on U.S. Lock and Dam No. 7, Kentucky River; (6) a spillway section of about 25 feet long; and (7) appurtenant facilities.

According to the application: (1) the estimated net investment is $54,480 as of May 31, 1973, (2) the estimated severance damages in the event of "takeover" are $675,000, and (3) the annual taxes paid to State and local governments are $1,407 and $328 respectively.

There are no recreational features connected with this project since the dam is controlled and operated by the Corps of Engineers and the Applicant has no authorization to undertake any recreational developments.

Any person desiring to be heard or to make protest with reference to said application should on or before January 17, 1975, 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 serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27988 Filed 11-29-74;8:45 am]

[Docket No. RP75-29]

MID LOUISIANA GAS CO.

Notice of Proposed Change in Rates

NOVEMBER 22, 1974.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on October 31, 1974, tendered for filing as a part of First Revised Volume No. 1 of its FPC Gas Tariff, Tenth Revised Sheet No. 3a and Original Sheet No. 3b.

Mid Louisiana states that the purpose of the filing is to establish a National Rate Surcharge (UGPL) to permit the recovery of increased gas purchase costs arising from the National Rate Surcharge proposed by United Gas Pipe Line Company (United) in Docket No. RP75–22. Mid Louisiana requests the proposed National Rate Surcharge (UGPL) be allowed to become effective only for such time as the surcharge proposed by United shall be effective as to sales made by United to Mid Louisiana.

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 December 6, 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.74-27979 Filed 11-29-74;8:45 am]

[Docket No. RP73-64 (PGA 75-2)]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

NOVEMBER 22, 1974.

Take notice that Southern Natural Gas Company (Southern) on November 15, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, to become effective January 1, 1975. Such filing is pursuant to Section 17 (Purchased Gas Adjustment) of the General Terms and Conditions of Southern's FPC Gas Tariff, Sixth Revised Volume No. 1. The proposed changes would increase the demand, commodity and one-part rates. The increase is made up of the following items:

(1) A Current Adjustment, pursuant to § 17.3, for increased cost of purchased gas to jurisdictional customers of $27,549,356.

(2) A Surcharge Adjustment, pursuant to § 17.4, of the General Terms and Conditions of Southern's FPC Gas Tariff for Unrecovered Purchased Gas Costs. The balance in Account No. 191, Unrecovered Purchased Gas Costs, as of September 30, 1974, is $(429,341). Such balance will be returned over the estimated sales for the six-month period commencing January 1, 1975 and reflects a net reduction of $6,906,418 below the existing Surcharge Adjustment.

Copies of the filing are being served upon the company'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 December 6, 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.74-27978 Filed 11-29-74;8:45 am]

[Docket No. RP75-33]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

NOVEMBER 22, 1974.

Take notice that Southern Natural Gas Company, on November 11, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 3. The proposed changes would increase revenues from a field sale to Sea Robin Pipeline Company under Southern's Rate Schedule F–12 by $28,700 based on an estimated sales volume for the twelve-month period succeeding the proposed effective date of January 1, 1975.

This filing is being made to reflect an increase pursuant to § 2.56(h) of the Federal Power Commission's General Policy and Interpretations.

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 December 10, 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.74-27977 Filed 11-29-74;8:45 am]

[Docket Nos. CP71-68, CP71-153, CP71-151, CP71-264, CP71-276, CP71-289, CP71-290]

COLUMBIA LNG CORP., ET AL.

Postponement of Hearing Date

NOVEMBER 21, 1974.

In the matter of Columbia LNG Corporation, Consolidated System LNG Company, Southern Energy Company, Southern Natural Gas Company, Columbia LNG Corporation, Consolidated System LNG Company, Consolidated System LNG Company.

Take notice that due to a schedule conflict of the Presiding Administrative Law Judge the hearing in the above-designated matter, presently scheduled for January 7, 1975, is postponed until January 14, 1975, at 10 a.m. e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27981 Filed 11-29-74;8:45 am]

[Docket Nos. CP71-68, CP71-153, CP71-151, CP71-264, CP71-276, CP71-289, CP71-290]

COLUMBIA LNG CORP., ET AL.

Postponement of Hearing Date

NOVEMBER 22, 1974.

In the matter of Columbia LNG Corporation, Consolidated System LNG Company, Southern Energy Company, Southern Natural Gas Company, Columbia LNG Corporation, Consolidated System LNG Company, Consolidated System LNG Company.

Take notice that the date for serving the direct case in the above-designated matter, presently scheduled for December 2, 1974, is extended to December 9, 1974. The hearing date remains January 14, 1975, at 10 a.m., e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27983 Filed 11-29-74;8:45 am]

[Docket Nos. CI63-464, CI63-470, and CI71-532]

MOBIL OIL CORP.

Amendment of Public Convenience Certificates; Termination Proceeding on Application to Abandon Sale of Natural Gas

NOVEMBER 21, 1974.

Take notice that on November 11, 1974, Mobil Oil Corp. (Mobil), Three Greenway Plaza East, Houston, Texas 77046, submitted filings in Docket Nos. CI63-464, CI63-470 and CI71-532 to effect implementation of a proposed settlement in Hilda B. Weinert and Jane W. Blumberg, et al., Docket No. G-2730, et al., all as more fully set forth in said filings, which are on file with the Commission and open to public inspection.

On October 10, 1962, Mobil filed with the Commission, pursuant to section 7(c) of the Natural Gas Act, applications for certificates of public convenience and necessity authorizing the sale of natural gas produced from specific properties in the La Gloria Field, Brooks and Jim Wells Counties, Texas. Said sales were proposed to be made to Natural Gas Pipeline Co. of America (Natural) in Docket No. CI63-470 and to Transcontinental Gas Pipe Line Corp. (Transco) in Docket No. CI63-464. By order issued March 12, 1963, the Commission granted certificates of public convenience and necessity in said dockets.

On January 18, 1971, Mobil filed in Docket No. CI71-532 an application pursuant to section 7(b) of the Natural Gas Act for permission for an approval of the abandonment of the sale to Transco from the La Gloria Field.

In the order accompanying Opinion No. 655, issued on March 21, 1973 (49 FPC 738), the Commission authorized Mobil to increase its deliveries to Natural to the extent of its prior commitments to Transco and granted abandonment authorization for Mobil's sale to Transco together with similar authorizations to other producers in the La Gloria Field. On November 12, 1973, the United States Court of Appeals for the District of Columbia Circuit reversed Opinion No. 655 and remanded it to the Commission for further proceedings.[1]

Mobil states in its petition to amend in Docket No. CI63-470 that a settlement has been proposed in the La Gloria Field proceeding which will provide for the proportion of the available gas to be delivered to Natural and to Transco, and that as a part of the settlement, Mobil and Natural have amended their gas sales contract as of August 31, 1974, to conform to the settlement. Mobil, accordingly, requests that the order issuing its certificate in Docket No. CI63-470 be further amended to authorize service pursuant to the contract amendment dated as of August 31, 1974. Mobil further requests that the changes in the volumes of gas to be delivered to Natural as proposed in the August 31, 1974, contract amendment and in the revised settlement proposal be accepted by the Commission, all to the end that Mobil will be authorized to perform in all respects in accordance with said contract amendment. Mobil further states that no change in its effective rates will be made as a result of this proposed amendment to its certificate.

In its petition to amend in Docket No. CI63-464, Mobil states that as a result of the proposed settlement its sales to Transco will be covered by a gas purchase agreement dated November 7, 1974, which is proposed to become effective on the effective date of said settlement, subject to approval of the settlement. Mobil further states that the November 7, 1974, contract provides for a change in the volumes to be delivered to Transco under present authorization in Docket No. CI63-464, and for the continuation of sales at quantities during the periods as set forth in said contract until all of the gas reserves committed to Transco have been delivered. Mobil, therefore, requests that upon approval of the settlement the order issuing its certificate in Docket No. CI63-464 be further amended to conform to the terms of the November 7, 1974, contract and that the changes in the volumes of gas to be delivered to Transco, as proposed in said contract and in the settlement proposal, be accepted by the Commission. Mobil further requests that the proceeding on its application in Docket No. CI71-532 for permission for and approval of abandonment of the sale to Transco be terminated.

The terms of the November 7, 1974, contract, as summarized in Mobil's petition in Docket No. CI63-464, provide for sale to Transco of initial monthly volumes of 3 million Mcf at Mobil's presently filed rate, effective as of June 21, 1974, of 46.2341 cents per Mcf at 14.65 psia. Mobil maintains that no change in rate will be required as a result of its petition to amend in Docket No. CI63-464.

Any person desiring to be heard or to make any protest with reference to said petitions to amend and request for termination of proceeding should on or before December 11, 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). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27990 Filed 11-29-74;8:45 am]

[1] Transcontinental Gas Pipe Line Corporation v. FPC, 488 F. 2d 1325 (D.C. Cir, 1974).

[Docket Nos. RP74-20 and RP74-83]

UNITED GAS PIPE LINE CO.

Extending and Restructuring Procedural Dates

NOVEMBER 21, 1974.

On November 18, 1974, United Gas Pipe Line Company (United) filed a motion to extend and restructure the procedural dates fixed by order issued May 16, 1974, as modified by notice issued October 9, 1974, in the above-designated matter. All parties present at the settlement conference of November 12, 1974, agreed to the changes.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

United to supply data for RP74-20 "locked in" period, January 10, 1975.
Staff to submit summary exhibits based on preceding date, January 31, 1975.
United to submit settlement agreements for both matters, February 14, 1975.
Settlement Conference, February 25, 1975.
Service of Staff Evidence on Unsettled issued in RP74-20, March 18, 1975.
Service of Intervenor Evidence on unsettled issues in both matters, April 1, 1975.

Service of United's rebuttal evidence, April 15, 1975.
Hearing, April 29, 1975 [10 a.m. e.d.t.].

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27991 Filed 11-29-74;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST WEST VIRGINIA BANCORP, INC.

Order Approving Formation of a Bank Holding Company

First West Virginia Bancorp, Inc., Wheeling, West Virginia ("Applicant"), has applied for approval of the Board of Governors of the Federal Reserve System, under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)), of the formation of a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of the successors by merger to The Bank of Warwood, National Association ("Warwood Bank"), and the Community Savings Bank, National Association ("Community Bank"), both located in Wheeling, West Virginia. The banks into which Warwood Bank and Community Bank are to be merged have no significance except as a means to facilitate the acquisition of the voting shares of Warwood Bank and Community Bank. Accordingly, the proposed acquisition of shares of each of the successor organizations is treated herein as the proposed acquisition of shares of Warwood Bank and Community Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accodance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a newly organized corporation with no operating history, was organized for the purpose of becoming a bank holding company. The two banks to be acquired have aggregate deposits of $19.2 million, representing less than five-tenths of one per cent of the total deposits in commercial banks in West Virginia. Upon consummation of the proposal, Applicant would become the 62nd largest banking organization in the State.

Warwood Bank (deposits of $13.9 million) and Community Bank (deposits of $5.3 million)[1] are each located in the Wheeling banking market (which is approximated by Ohio County and the northern half of Marshall County in West Virginia and the eastern part of Belmont County in Ohio). Warwood Bank is the eleventh largest of eighteen banking organizations competing in the Wheeling banking market with 3.3 per cent of the total commercial bank deposits in that market and Community Bank ranks sixteenth with 1.3 per cent of the market deposits. Upon consummation of the proposed transaction, Applicant would become the eighth largest banking organization in the market with 4.6 per cent of the market deposits.

While Warwood Bank and Community Bank are located in the same banking market, it appears that the amount of meaningful competition that would be eliminated is not significant in view of some common stock ownership of the two banks. On the contrary, approval of the proposal may have a salutary effect on competition since Applicant would be able to compete more effectively with the four largest banks in the market which hold, in the aggregate, approximately 50 percent of market deposits. On the basis of the facts of record, including the overlapping ownership of the two banks and the relatively small share of market deposits that will be held by Applicant, the Board concludes that consummation of the proposal would neither eliminate any significant existing or potential competition nor would it increase the concentration of banking resources in the relevant market or in the State as a whole. Therefore, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant are dependent upon those of banks to be acquired which are considered to be satisfactory. Moreover, Applicant should be able to raise additional capital more readily, should the need arise, than either bank would be able to raise individually. Accordingly, considerations relating to the banking factors are consistent with approval of the application. Affiliation with Applicant would enable the two banks to broaden existing services and to offer new services. These would include an installation of a new drive-in facility for Community Bank and an allocation of funds to be used for real estate mortgage loans by Warwood Bank. Thus, factors relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be consistent with the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[2] effective November 20, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-27960 Filed 11-29-74;8:45 am]

[1] All banking data are as of December 31, 1973.

[2] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland, Wallich and Coldwell. Absent and not voting: Chairman Burns.

THIRD NATIONAL BANK

Request for Determination and Order Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(3)) ("Act"), by Third National Bank, Nashville, Tennessee ("Nashville Bank").

Nashville Bank is a subsidiary of Third National Corporation, Nashville, Tennessee, a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1841(a)). In August, 1972, Nashville Bank acquired 54 percent of the outstanding shares of Central Bank and Trust Company, Owensboro, Kentucky ("Owensboro Bank") as a result of default on a debt previously contracted. Pursuant to section 2(a)(5)(D) of the Act, no company is a bank holding company by virtue of its ownership of shares acquired in collecting a debt previously contracted until two years after the date of acquisition. Since two years have passed since Nashville Bank acquired the shares of Owensboro Bank, Nashville Bank now seeks a Board determination that it is not a bank holding company as it has sold and transferred all of its shares of Owensboro Bank to Mr. James A. Davis ("Davis") of Owensboro, Kentucky.

Nashville Bank now seeks a determination by the Board pursuant to section 2(g)(3) of the Act that it is not capable of controlling Owensboro Bank or Davis notwithstanding that Davis is indebted to Nashville Bank by a demand note secured by stock of Owensboro Bank.

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or by any company which but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not in fact capable of controlling the transferee.

It is ordered, That, pursuant to section 2(g)(3) of the Act, an opportunity be and hereby is provided for filing a request for oral hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 31, 1974. If a request for oral hearing is filed, each request should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which said person wishes to give testi-

mony at such oral hearing. The Board subsequently will designate a time and place for any hearing ordered, and will give notice of such hearing to the transferor, the transferee, and all persons who have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the application.

By order of the Board of Governors, November 21, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-27959 Filed 11-29-74;8:45 am]

WISDOM HOLDING CORP.

Order Approving Formation of Bank Holding Company and Engaging in Insurance Agency Activities

Wisdom Holding Corporation, Salem, Missouri, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 81 percent or more of the voting shares of The Bank of Bunker, Bunker, Missouri ("Bunker") and 100 percent (less directors' qualifying shares) of Dent County Bank, Salem, Missouri ("Dent"). The factors that are considered in acting on this application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has also applied, pursuant to § 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 the insurance agency business owned and conducted as a sole proprietorship by Glen W. Wisdom, Salem, Missouri. Applicant would thereafter engage in the sale of whole life, credit life, and accident and health insurance on the banking premises of Bunker and Dent, each of which is located in a community of less than 5,000 people. Such activities have been determined by the Board in § 225.4(a)(9)(iii) 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).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act (39 FEDERAL REGISTER 33416). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in § 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is a nonoperating Missouri corporation organized for the purposes of becoming a bank holding company through the acquisitions of Bunker and Dent, and of acquiring the insurance agency business of Glen W. Wisdom, the principal shareholder of Bunker and Dent. Bunker, with deposits of $2.9 million, representing approximately 33 per cent of the commercial bank deposits in the relevant market area, is the second largest of three commercial banks operating in the Reynolds County banking market.[1] Dent, with deposits of $3.0 million, representing approximately 10 per cent of the commercial bank deposits in the relevant market area, is the smallest of three commercial banks operating in the Dent County banking market. Inasmuch as this proposal represents a shifting of the ownership of the two banks from an individual to a corporation controlled by the same individual, and Applicant has no present banking subsidiaries, the acquisitions of Bunker and Dent by Applicant would neither eliminate any significant existing or potential competition, increase the concentration of banking resources nor have any adverse effects on competition within the respective banking markets. Moreover, it is noted that the two banks are located 31 miles apart in separate market areas. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which are dependent upon those of the banks to be acquired, are regarded as satisfactory. Since Applicant's principal acquired his interest in each of the banks, there have been improvements in the overall financial condition of both Bunker and Dent. These considerations relating to the banking factors are consistent with approval of the application. The same conclusion applies with respect to considerations relating to the convenience and needs of the communities to be served. It is the Board's judgment that consummation of the holding company formation would be consistent with the public interest and that the application to acquire Bunker and Dent should be approved.

Also incident to the reorganization, Applicant proposes to operate a general insurance agency business, pursuant to § 225.4(a)(9)(iii) of Regulation Y, by acquiring the ordinary life and casualty insurance business presently owned and operated as a sole proprietorship by Glen W. Wisdom, President of Applicant and Chairman of the Boards of both Bunker and Dent. It does not appear that the acquisition of the general insurance agency business would have any significant effect on existing or future competition, and approval would enable Applicant to continue to offer Banks' customers a convenient source of insurance services, which factor the Board regards as being in the public interest. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest.

[1] All banking data are as of December 31, 1973, unless otherwise indicated.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors, under § 3(c) of the Act, and the balance of the public interest factors the Board must consider, under § 4(c)(8), both favor approval of Applicant's proposals.

On the basis of the record, the applications are approved for the reasons summarized above. The acquisitions of Bunker and Dent shall not be made before the thirtieth calendar day following the effective date of this Order; and neither the acquisitions of Bunker and Dent, nor the acquisition of the Glen W. Wisdom general insurance agency business shall be made later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to authority delegated herein. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and to make examinations of, bank holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective November 20, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-27961 Filed 11-29-74;8:45 am]

[2] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland, Wallich, and Coldwell. Absent and not voting: Chairman Burns.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on November 20, 1974. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL POWER COMMISSION

Request for approval of a program evaluation report, FPC Form 423-Monthly Report of Cost and Quality of

Fuels for Electric Plants; frequency is monthly; potential respondents are approximately 900 electric utility companies; average respondent burden is estimated at two man-hours for each respondent per response.

FEDERAL COMMUNICATIONS COMMISSION

Request for clearance of a revision to an existing FCC Form 505-Application for Class C & D Station License in the Citizens Radio Service. Frequency is on occasion; potential respondents are approximately 500,000 applicants for radio station licenses; average respondent burden is estimated at 8 minutes per respondent per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.74-28037 Filed 11-29-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

EXECUTIVE BRANCH POSITION COMMISSION ON GOVERNMENT PROCUREMENT

Recommendation

Notice is given that an executive branch position has been reached on the following Commission on Government Procurement recommendation:

Recommendation D-18: "Encourage procuring activities, when it is deemed in the best interest of the Government, to purchase supplies or services from public utilities by accepting commercial forms and provisions that are used in the utilities' sales to industry and the general public provided the service contract provisions are not in violation of public law."

Executive Branch Position: Accept the recommendation. Implementation will include appropriate modification to the Federal Procurement Regulations (FPR) and Armed Services Procurement Regulation (ASPR), coordinated to insure a Government-wide approach in the final regulatory issuance. Agency coordination and private sector comments will be requested on any resulting draft regulation implementing the subject policy.

Dated at Washington, D.C., on November 21, 1974.

R. E. ZECHMAN,
Associate Administrator for Federal Management Policy.

[FR Doc.74-27953 Filed 11-29-74;8:45 am]

NATIONAL HEALTH RESOURCES ADVISORY COMMITTEE

Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, P.L. 92-463, that the next meeting of Presidentially-appointed National Health Resources Advisory Committee will be held December 12-13, 1974, in San Francisco, California.

The agenda of the meeting will include presentations on the National Emergency Blood Program (Defense Mobilization Order 8540.2), the National Blood Policy, Federal-State of California earthquake response planning, applications of Chinese medical care techniques to mass-casualty care, and current health manpower developments.

Officials of various Federal Government agencies concerned with emergency medical preparedness and representatives of health and medical interests in the private sector will participate in the meeting.

The meeting will be held in the Schwartz Theater of the Letterman Army Medical Center from 9 a.m. to 5 p.m. on December 12 and from 9 a.m. to 5 p.m. on December 13, 1974. The meeting will be open to the public.

In order to assure adequate seating arrangements, persons planning to attend are asked to notify Frederick J. Haase, Staff Director, telephone 202/343-5510, as soon as possible.

Dated: November 19, 1974.

LESLIE W. BRAY, Jr.,
Director, Office of Preparedness, General Services Administration.

[FR Doc.74-27952 Filed 11-29-74;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

AMENDMENT TO MEETING NOTICE

NOVEMBER 26, 1974.

This amendment is published to advise those concerned of the location of the closed portion of the meeting of the National Advisory Committee on Oceans and Atmosphere (NACOA) to be held on Monday, 16 December 1974, beginning at 9 a.m. This portion of the 2-day meeting will be held in the Office of the Oceanographer of the Navy, in Conference Room 8 S 11, Hoffman Building No. 2, 200 Stovall Street, Alexandria, Virginia, and will be closed to the public under authorization of the Assistant Secretary of Commerce for Administration in a determination dated November 4, 1974, and cosigned by the Assistant General Counsel for Administration, and forwarded with the original notice of this partially closed meeting (published in the FEDERAL REGISTER on Tuesday, November 12, 1974).

The session to be held on Tuesday, 17 December 1974, remains as scheduled, i.e., will be open to the public and will be held in Room 6802, U.S. Department of Commerce Building, 15th and Constitution Avenue, N.W., Washington, D.C., beginning at 9 a.m.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 967-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.74-28023 Filed 11-29-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

COMMITTEE MANAGEMENT ADVISORY COMMITTEE FOR RESEARCH

Notice of Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, it is hereby determined that the renewal of the Advisory Committee for Research is necessary and is in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 14.(a)(1) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

Authority for this advisory committee shall expire on November 30, 1976, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

H. GUYFORD STEVER,
Director.

OCTOBER 31, 1974.

[FR Doc.74-28042 Filed 11-29-74;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 November 26, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce: Coal Strike Impact Steel Mills, Form DIB 980, Weekly, Caywood (395-3443), Steel companies.

National Bureau of Standards: Building Code Profile Survey, Form NBS 1008, Single time, Lowry (395-3772), State regulatory agencies.

ENVIRONMENTAL PROTECTION AGENCY

Identification of Marginal Non-transportation Related Petroleum Facilities, Form —, Single time, NRD (395–6827), Owners/operators of non-transportation related petroleum facilities.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration: Reporting Requirements for HMO Feasibility Grantees, Form HSABCHS 0927, Quarterly, HRD (395–3532), Grantees.

Social and Rehabilitation Service: Interview Form for Follow-up Study of Former Vocational Rehabilitation Clients. Form —, Single time, HRD (395–3532) Planchon (395–3898), Former clients of Voc. Rehab.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Regulations—Food Stamp Program and Disaster Procedures, Form —, Occasional, Caywood (395–3443), State and local agencies.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration: Instrument Failure Analysis Initiation Log, Form NOAA 44–6, Occasional, Caywood (395–3443), NOAA ships, users of ocean instruments.

FEDERAL MEDIATION AND CONCILIATION SERVICE

Arbitrator's Report and Fee Statement, Form FMCS R–19, Occasional, Caywood (395–3443), Individuals.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration: Progress Report for HMO Planning and Development Activities, Form HSA 254, Quarterly, HRD (395–3532), HMO Planning and development grantees.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service: Contract for Tank Storage and Services—Commodity Credit Corp. Bulk Oils, Form CCC 32, Occasional, Evinger (395–3648), Operators of tank farms.

Economic Research Service: White Bread-Type flour Monthly Commercial Sales Report, Form —, Monthly, Evinger (395–3648), Flour Milling firm.

Farmers Home Administration: Business Analysis — Non-Agricultural Enterprises-FMHA Borrowers, Form FMHA 431–4, Occasional, Evinger (395–3648), Rural nonfarm businesses.

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce:

Statement of Requirements for Class A Products, Form DMS 6, Occasional, Evinger (395–3648), (x).

Aluminum Extrusions, Form DIB 979, Occasional, Evinger (395–3648), (x).

Aluminum Forgings, Form DIB 978, Occasional, Evinger (395–3648), (x).

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service:

Application by Lawful Permanent Resident Alien for Alien Registration Receipt Card, Form I–90, Occasional, Evinger (395–3648), (x).

Application to Extend Time of Temporary Stay, Form I–539, Occasional, Evinger (395–3648), (x).

Application to File Petition for Naturalization, Form N–400, Occasional, Evinger (395–3648), (x).

Application to File Petition for Naturalization in Behalf of Child, Form N–402, Occasional, Evinger (395–3648), (x).

Application by Nonimmigrant Student for Extension of Stay, School Transfer, or Permission to Accept Employment, Form I–538, Occasional, Evinger (395–3648), (x).

Notice of Final Naturalization Hearing Children, Form N–445B, Occasional, Evinger (395–3648), (x).

Application for Issuance or Extension of Refugee Travel Document, Form I–570, Occasional, Evinger (395–3648), (x).

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Form Letter for Collection of Convention Proceedings and Constitutions and Form Letter Requesting Convention Dates, Form BLS 2410, Occasional, Evinger (395–3648), Labor organization.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.74–27185 Filed 11–29–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

BBI, INC.

Suspension of Trading

NOVEMBER 22, 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 traded otherwise than on a national securities exchange, and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such 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 November 25, 1974 through December 4, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–28051 Filed 11–29–74;8:45 am]

[File No. 500–1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

NOVEMBER 22, 1974.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to 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 November 24, 1974 through December 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–28054 Filed 11–29–74;8:45 am]

[File No. 500–1]

I-T-E IMPERIAL CORP.

Suspension of Trading

NOVEMBER 22, 1974.

The common stock of I–T–E Imperial Corp. being traded on the New York and Pacific Stock Exchanges and the preferred 4.60 percent cumulative being traded on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of I–T–E Imperial Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Theerfore, 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 exchanges and otherwise than on a national securities exchange is suspended, for the period from November 25, 1974 through December 4, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–28052 Filed 11–29–74;8:45 am]

[70–5570]

MICHIGAN WISCONSIN PIPE LINE CO., ET AL.

Proposed Financing of Newly Organized Subsidiaries; Exception from Tax Allocation Provisions of Rule 45(b)(6)

NOVEMBER 22, 1974.

Notice is hereby given that Michigan Wisconsin Pipe Line Co ("Michigan Wisconsin") One Woodward Avenue, Detroit, Michigan, 48226, a pipeline subsidiary company of American Natural Gas Co. ("American Natural"), a registered holding company, together with American Natural Gas Offshore Co. ("American Offshore") and Amtex Offshore Pipe Line Co. ("Amtex") 100 West Tenth Street, Wilmington, Delaware, 19807, newly organized entities, have filed an application-declaration and an amendment thereto pursuant to the

Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) 7, 9(a)(1), 10 and 12 of the Act and rules 43, 45 and 50 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, as amended, for a complete statement of the proposed transactions.

Michigan Wisconsin proposes to purchase from time to time through December 31, 1975, up to 10,000 common shares, $100 par value, of American Offshore for an aggregate purchase price of $1,000,000. Upon consummation of the transaction American Offshore will be a wholly-owned subsidiary of Michigan Wisconsin, all of whose outstanding common stock is owned by American Natural.

American Offshore, organized as a Delaware corporation on September 16, 1974, has entered into an agreement ("partnership Agreement") whereby it will become one of two equal partners in Amtex, a general partnership organized on September 17, 1974. The other Amtex partner will be Texam Offshore Gas Transmission, Inc. ("Texam"), a wholly-owned subsidiary of Texas Gas Transmission Corp. ("Texas Gas"), neither of which is affiliated with American Natural or any of its system companies. It is stated that, at this time, the sole purpose of American Offshore is to act as a general partner of Amtex.

Amtex was organized for the purpose of constructing a natural gas pipeline offshore Louisiana and Texas in the Gulf of Mexico ("Amtex Line"). The Amtex Line will interconnect with an existing pipeline owned and operated by Michigan Wisconsin, which extends southerly about 88 miles from North Tepete, Louisiana, to Block 171 in West Cameron Area offshore Louisiana. From that point of interconnection the Amtex Line will extend southerly about 71 miles to a compressor platform Amtex will construct at Block 264 High Island Area offshore Texas. From there it will branch southeast and southwest a total of approximately 105 miles traversing various tracts in the High Island Area of the Gulf. The Amtex Line will initially have a capacity to transport about 565,000 Mcf of natural gas daily to the Michigan Wisconsin line for further transmission to the onshore facilities of Michigan Wisconsin and Texas Gas. Thus, the Amtex facilities are to provide the vehicle by which Michigan Wisconsin's and Texas Gas' reserves in the High Island Area will be available to them via the existing Michigan Wisconsin line.

It is stated that Amtex will be a "natural gas company" under the Natural Gas Act and has filed an application with the Federal Power Commission ("FPC") for a certificate of public convenience and necessity with respect to the proposed facilities (Docket CP 75–104); that while no precise estimate of the partners' proven gas reserves in the High Island and adjacent areas can be made at this time, currently available data indicate that substantial reserves will be proven; and that in any event a showing of gas reserves adequate to support the Amtex Line will be required before the FPC authorizes construction of the proposed facilities. It is presently anticipated that (subject to change in the event of regulatory, materials procurement, or drilling delays) construction of the Amtex Line will commence in the Fall of 1975 so that the facilities may be placed in service prior to the 1976–77 heating season.

Under the Partnership Agreement, American Offshore and Texam will contribute cash to Amtex in equal proportions in an aggregate amount sufficient to meet all of Amtex' cash requirements (including filings fees to the FPC) prior to receipt of the FPC certificate authorizing construction of the proposed facilities. Thereafter, each of the partners is to contribute one-half the cost of construction, less the aggregate amount of commitments received from outside lenders for debt financing. The cost of the proposed facilities is estimated at approximately $217 million. It is expected that the financing will take the form of equity aggregating $54 million to be contributed in equal proportions by American Offshore and Texam, plus short-term bank loans which will be ultimately retired from proceeds of the sale of $140 million of long-term debt and from internally generated funds. Beyond the $1,000,000 to be contributed by American Offshore as its share of Amtex' initial cash requirements as herein proposed, any further financing of the capital requirements of American Offshore and Amtex will be the subject of future applications to the Commission.

The Partnership Agreement further provides that Amtex will make available to Michigan Wisconsin and Texas Gas one-half each of the Amtex Line capacity, pursuant to 15-year transportation agreements to be entered into by the parties; that in the event Amtex is required to make transportation capacity available to other shippers, Michigan Wisconsin and Texas Gas would each relinquish one-half of the capacity so allocated to other shippers; and that Michigan Wisconsin is designated as Operator of Amtex. As Operator, Michigan Wisconsin will have a close operational and managerial relationship with Amtex, and will be responsible, among other things, for supervising construction of the Amtex Line, maintenance and repair, and administrative functions (including legal, accounting, engineering, planning, budgeting, technical services, etc.). Performance of these activities by Michigan Wisconsin will be under the general direction and control of a Management Committee to consist of the respective Presidents of American Offshore and Texam or their designated alternates.

It is stated that primarily as a result of interest expenses during construction and accelerated depreciation Amtex is expected to incur substantial tax losses during the construction period and in the initial year of operation; and that since neither of the participants in Amtex would own as much as 80 percent of Amtex the partnership form of organizing Amtex was selected so that one-half of such tax losses can be "passed through" to each of the partners. Based on present tentative schedules it is expected that Amtex' deductions for tax purposes (consisting of interest expense) could amount to $2,500,000 in 1975 and $10,000,000 in 1976, of which the 50 percent attributable to American Offshore would be $1,250,000 and $5,000,000, respectively. As a subsidiary company in the American Natural System, American Offshore will be included in the System's consolidated Federal income tax returns and such losses (arising from Amtex) would result in immediate reduction of the System's consolidated tax liability. However, application of the tax allocation provisions of rule 45(b)(6) would cause the cash flow benefits from the reduction in consolidated tax to be allocated to the other System companies and would not be received by American Offshore. As above indicated, the construction of the Amtex Line will require a large amount of capital, of which about 75 percent is expected to be obtained through debt financing and the balance through equity supplied in equal proportions by the partners, American Offshore and Texam. In light of the already large capital requirements of the American Natural System, and in aid of providing the additional cash needed for the Amtex project, applicants-declarants (and the other members of the American Natural System) request, pursuant to rule 45(a), an exception from the tax allocation provisions of paragraph (b)(6) of the rule that would permit an allocation to American Offshore of the reduction in the System's consolidated Federal income tax resulting from tax losses incurred by American Offshore as a general partner in Amtex. This would be accomplished by the following procedure:

1. When, in any taxable year, the operations of American Offshore result in a tax loss, then the consolidated Federal income tax to be allocated among the System companies would be based upon the tax that would have resulted had American Offshore been excluded from the consolidated Federal income tax return.

2. The funds retained by the System by virtue of the reduction in tax resulting from inclusion of American Offshore in the consolidated Federal income tax would be paid to American Offshore.

3. In future years, when American Offshore has taxable income, it may be entitled to tax credits as a result of the net operating loss carryback and carryover provisions of section 172(b) of the Internal Revenue Code in order to comply with the separate return limitations required by rule 45(b)(6). Any credits paid under paragraph 2 would be applied to reduce any credits in future years to which American Offshore might become entitled under the separate return limitations of rule 45(b)(6).

4. In no event will the tax allocated to each subsidiary exceed the amount of tax

on it based upon a separate return computed as if it had always filed its tax returns on a separate return basis.

The proposed issue and sale of its common stock by American Offshore to Michigan Wisconsin, as well as the credits to American Offshores' Capital Account arising from its proposed capital contributions to Amtex, are exempt from the competitive bidding requirements of rule 50 under the Act by reason subparagraph (a)(3) of the rule.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated at $3,500.

Notice is further given that any interested person may, not later than December 18, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-28050 Filed 11-29-74;8:45 am]

[File No. 500-1]

NICOA CORP.

Suspension of Trading

NOVEMBER 22, 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 November 25, 1974 through December 4, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-28056 Filed 17-29-74;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Suspension of Trading

NOVEMBER 22, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated 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 November 24, 1974 through December 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-28053 Filed 11-29-74;8:45 am]

[File No. 500-1]

SAVOY INDUSTRIES, INC.

Suspension of Trading

NOVEMBER 21, 1974.

The common stock of Savoy Industries, Inc. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Savoy Industries, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to 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 November 22, 1974 through December 1, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-28058 Filed 11-29-74;8:45 am]

[File No. 500-1]

WINNER INDUSTRIES, INC.

Suspension of Trading

NOVEMBER 22, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 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 November 24, 1974 through December 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-28055 Filed 11-29-74;8:45 am]

TARIFF COMMISSION

[TEA-W-253]

EL REY OF HOLLYWOOD, INC. WORKERS' PETITION FOR DETERMINATION

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of El Rey of Hollywood, Inc., Los Angeles, California, the United States Tariff Commission, on November 26, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in a major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in items 700.45 and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before December 12, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located at 6 World Trade Center.

By order of the Commission.

Issued: November 26, 1974.

KENNETH R. MASON,
Secretary.

[FR Doc.74-28066 Filed 11-29-74;8:45 am]

VETERANS ADMINISTRATION

VETERANS ADMINISTRATION WAGE COMMITTEE

Notice of Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, January 2, 1975.
Thursday, January 16, 1975.
Thursday, January 30, 1975.
Thursday, March 13, 1975.
Thursday, March 27, 1975.

The meetings will convene at 2:30 p.m. and will be held in Room 1144C, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463 and 5 U.S.C. 552(b) (2) and (4), the Administrator of Veterans Affairs has determined that these meeting will be closed to the public based on the review of wage data for which confidentiality has been assured to companies participating in Federal wage surveys.

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW., Washington, D.C.

Dated: November 25, 1974.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.74–28044 Filed 11–29–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 642]

ASSIGNMENT OF HEARINGS

NOVEMBER 26, 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 the date of this publication.

MC 119656 Sub 27, North Express, Inc., now assigned December 12, 1974, at Chicago, Ill. will be held in Room 672 536 S. Clark St.

MC 127834 Sub 102, Cherokee Hauling & Rigging, Inc., now being assigned January 21, 1975 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

MC 41406 Sub 40, Artim Transportation System, Inc., now being assigned January 23, 1975 (2 days), at Columbus, Ohio in a hearing room to be later designated.

MC–F–12165, Long Transportation Company—Purchase-Medina Cleveland Freight Lines, Inc., and MC 24379 Sub 39, Long Transportation Company, now being assigned January 27, 1975, (1 week), at Columbus, Ohio, in a hearing room to be later designated.

MC–F–12166, Jackson and Johnson, Inc.—Purchase (Portion)—Dressing Transport, Inc., now assigned December 9, 1974 at Buffalo, New York will be held in Room 714 U. S. Courthouse 68 Court Street.

MC 113388 Sub-No. 102, Lester C. Newton Trucking Co., now assigned December 10, 1974 at Buffalo, New York will be held in Room 714 U. S. Courthouse 68 Court Street.

MC–F–12201, Buffacon, Inc.—Control—Container Transfer Corporation, now assigned December 12, 1974 at Buffalo, New York will be held in Room 714 U. S. Courthouse 68 Court Street.

MC 130236, Exec-Van Systems, Inc., now assigned December 12, 1974 at New York, New York will be held in Room A–238 Court of Claims 26 Federal Plaza.

MC 2226 Sub 104, Red Arrow Freight Lines, Inc., now assigned December 9, 1974, at Dallas Tx., is cancelled and reassigned January 2, 1975 (5 days), at Dallas Tx., in a hearing room to be later designated.

No. 35967, Household Goods, Increased Rates Nationwide, now being assigned for continued hearing December 16, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107295 Sub 699, Pre-Fab Transit Co., now assigned December 3, 1974 at Chicago, Ill. will be held in Room 1756 Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 124692 Sub 134, Sammons Trucking Corporation, now assigned December 5, 1974 at Chicago, Ill. will be held in Room 1725 Everett Mckinley Dirksen Bldg. 219 S. Dearborn St.

No. 35914, H & R Scrap Iron and Metal Company v. Chicago Western Transportation Company, now assigned December 9, 1974 at Miwaukee, Wis. will be held in Room 301 City Hall 200 E. Wells St.

MC 25399 Sub 10, A–P–A Transport Corp., now being assigned continued hearing December 9, 1974 (2 days), in Room 3240, William J. Green, Jr., Federal Bldg., 600 Arch St., Philadelphia, Pa.

MC 13900 Sub 18, Midwest Haulers, Inc., now being assigned continued hearing December 16, 1974, in the Counsel Room, Hotel Washington, 15th Street & Pennsylvania Ave., N.W., Washington, D.C.

MC 106644 Sub 171, Superior Trucking Company, Inc., now being assigned continued hearing January 15, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 111740 Sub 28, Oil Transport Company, now being assigned continued hearing March 3, 1975 (5 days), at the Howard Johnson Motor Lodge, 3111 Stemmons Freeway, Dallas, Texas.

No. 35858, Consumers Steel & Supply Co., ET AL v. Chicago and North Western Transportation Company, ET AL, now assigned December 10, 1974 at Chicago, Ill. will be held in Room 1725 Everett McKinley Dirksen Building 219 South Dearborn Street.

MC 95876 Sub 151, Anderson Trucking Service, Inc., now assigned December 9, 1974, at Chicago, Ill., is postponed indefinitely.

MC 138943, Decorators Furniture Delivery and Warehouse Corp., now assigned December 10, 1974, at Tallahassee, Fla., is cancelled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–28073 Filed 11–29–74;8:45 am]

[Finance Docket No. 26885]

CHESAPEAKE AND OHIO RAILWAY CO. ABANDONMENT

Edmore and Lakeview, Montcalm County, Mich.

NOVEMBER 19, 1974.

The Interstate Commerce Commission hereby gives notice that: 1. On Thursday, September 5, 1974, notice was published in Montcalm County, Mich., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding 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. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the September 5, 1974, notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–28077 Filed 11–29–74;8:45 am]

[Amdt. No. 1 to Exemption No. 88]

EXEMPTION UNDER MANDATORY CAR SERVICE RULES

NOVEMBER 26, 1974.

To all railroads: Upon further consideration of Exemption No. 88 issued November 5, 1974, (BCOL).

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 88 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire December 15, 1974.

This amendment shall become effective November 20, 1974.

Issued at Washington, D.C., November 20, 1974.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.74–28071 Filed 11–29–74;8:45 am]

[Sub-No. 158]

GEORGE P. BAKER, ET AL., PENN CENTRAL TRANSPORTATION CO. TRUSTEES

Abandonment, Fairbrook Branch, Pa.

NOVEMBER 19, 1974.

The Interstate Commerce Commission hereby gives notice that: 1. On Tuesday, October 22, 1974, notice was published in Blair County, Pa., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding 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. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the October 22, 1974, notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

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

[FR Doc.74-28075 Filed 11-29-74;8:45 am]

[Exception No. 38 to Rev. Service Order No. 1173]

GREEN BAY AND WESTERN RAILROAD CO.

Service Order

NOVEMBER 21, 1974.

To all railroads: Pursuant to the authority vested in me by section (a) paragraph (4) of Revised Service Order No. 1173, the Green Bay and Western Railroad Company is hereby authorized to accept from shipper or shippers, located on their lines, seven (7) mechanical refrigerator cars marked BNFE, for transport to destination via The Chesapeake and Ohio Railway Company, regardless of the provisions of Revised Service Order No. 1173.

Effective November 20, 1974.

Expires November 26, 1974.

Issued at Washington, D.C., November 20, 1974.

[SEAL] R. D. PFAHLER, *Chairman, Railroad Service Board.*

[FR Doc.74-28070 Filed 11-29-74;8:45 am]

[No. 36095]

INVESTIGATION INTO LAWFULNESS OF OFF-LINE LIMITATIONS PLACED ON NON-ASSIGNED HOPPER CARS

NOVEMBER 26, 1974.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 18th day of November 1974.

It appearing, That the Commission has reason to believe that there exists a practice among some railroads whereby these carriers are refusing to furnish specialized equipment to shippers for off-line movement which practice has resulted in violations of sections 1(4), 3(4), 15(1), and 15(8) of the Interstate Commerce Act:

It is ordered, That an investigation on the Commission's own motion be, and is hereby, instituted for the purposes of inquiring into said possible violations, and all matters connected therewith or related thereto, as provided under sections 12, 13(1) and 13(2) of the Interstate Commerce Act, and that if such violations are found, any person or carrier participating therein will be required to take such action as may be necessary to prevent said violations;

It is further ordered, That the Southern Railway System, 920 15th Street NW., Washington, D.C. 20005 be and is hereby made a respondent in this proceeding, and that this proceeding be set for hearing at a time and place to be hereinafter fixed;

It is further ordered, That under the authority of section 2 of the Elkins Act, the Seaboard Coast Line Railroad, 3600 West Broad Street, Richmond, Virginia 23261 and the Clinchfield Railroad Company, 229 Nolichucki Ave., Erwin, Tennessee 37650 are hereby named as parties to this proceeding as persons interested in or affected by the practice under consideration;

It is further ordered, That the Bureau of Enforcement be directed to participate as a party in this proceeding;

And it is further ordered, That a copy of this order be served upon the said respondent and parties thereto, and in view of the nature and scope of the proceeding, that a notice of this proceeding be given to the public by posting a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. and publishing a copy in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.74-28068 Filed 11-29-74;8:45 am]

[Amdt. No. 2 to I.C.C. Order No. 111 Under Revised Service Order No. 994]

LAMOILLE COUNTY RAILROAD, INC.

Rerouting Traffic

Upon further consideration of I.C.C. Order No. 111 and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 111 be, and it is hereby, amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date.* This order shall expire at 11:59 p.m., January 15, 1975, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1974, and that 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 it be filed with the Director, Office of the FEDERAL REGISTER.

Issued at Washington, D.C., November 21, 1974.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.74-28072 Filed 11-29-74;8:45 am]

[Notice 158]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 25, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 106594 (Sub-No. 5 TA), filed November 18, 1974. Applicant: KIRKPATRICK TRUCKING CO., 11317 Route 14 N, Harvard, Ill. 60033. Applicant's representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sauces and table sauces,* from the plant site and warehouse facilities of Kikkoman Foods, Inc., at or near Walworth, Wis., to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Virginia, and West Virginia, for 180 days. Supporting shipper: Max Gay, Traffic Manager, Kikkoman Foods, Inc., P.O. Box H, Walworth, Wis. 53184. Send protests to: William J. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley

Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 113300 (Sub-No. 5TA), filed November 12, 1974. Applicant: WILLIAM T. HERRON, Route No. 3, Marietta, Ohio 45750. Applicant's representative: Paul F. Beery, 8 East Broad Street, 9th Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Barbour, Lewis, Marion, Taylor, and Upshur Counties, W. Va., to points in Washington County, Ohio, for 180 days. Supporting shippers: (1) Upshur-Red Stone Coal Company, Box 666, Buckhannon, W. Va. 26201, Att.: Clifton Starkey, Pres.; (2) Bur Coal Company, Box 195, Buckhannon, W. Va. 26201, Att.: James E. Gaston, Pres.; (3) Buchannon Sales, Inc., Box 788, Buckhannon, W. Va. 26201, Att.: Carl Martin, Pres.; (4) Ohio Power Company, P.O. Box 158, Beverly, Ohio 45715, Att.: Wm. J. Hardman, Plant Mgr.; and (5) M. & O. Coal Company, 20950 Centerridge Road, Cleveland, Ohio 44116, Att.: Wm. N. Hughes, Exec. Vice Pres. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 119837 (Sub-No. 10TA), filed November 15, 1974. Applicant: OZARK MOTOR LINES, INC., 27 W. Illinois Street, Memphis, Tenn. 38106. Applicant's representative: Warren A. Goff, 2008 Clark Tower, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, livestock, Classes A and B explosives, and articles which because of size or weight require special equipment), serving Batesville, Ark. and its commercial zone, as an off-route point in conjunction with its regular-route authority between Memphis, Tenn. and West Plains, Mo., for 180 days.

NOTE.—Applicant intends to tack with its authority in MC 119837 (Sub 2), Ash Flat, Ark., Memphis, Tenn., joinder points.

Supporting shippers: There are approximately 27 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 123091 (Sub-No. 16TA), filed November 19, 1974. Applicant: NICK STRIMBU, INC., 3500 Parkway Road, Brookfield, Ohio 44403. Applicant's representative: John Swab (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, tubing, conduit, fittings and accessories*, from Chicago, Ill., to Wheatland, Pa., for 180 days. Restriction: Restricted to shipments originating at the plant site of Maneely, Ill., Inc., Chicago, Ill. and destined to the plant site of Wheatland Tube Company, Wheatland, Pa. and further restricted to shipments moving in double bottom semi-trailers with minimum weight of 80,000 per load. Supporting shipper: Wheatland Tube Company, 272 Public Ledger Bldg., Philadelphia, Pa. 19106. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 124078 (Sub-No. 625TA), filed November 18, 1974. Applicant: SCHWERMANN TRUCKING COMPANY, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative. Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Universal, Pa., to Middletown, Ohio, for 180 days. Supporting shipper: United States Steel Corporation, 600 Grant Street, Pittsburgh, Pa. 15230 (H. F. Nearing). Send protests to: John F. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124117 (Sub-No. 9TA) (Correction), filed November 4, 1974, published in the FEDERAL REGISTER issue of November 18, 1974, and republished as corrected this issue. Applicant: EARL FREEMAN, doing business as MID-TENN EXPRESS, P.O. Box 101, Eagleville, Tenn. 37060. Applicant's representative: Robert L. Baker, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219.

NOTE.—The purpose of this republication is to show the applicant's correct MC number as stated above, in lieu of No. MC 124177 (Sub-No. 9TA), which was published in the FEDERAL REGISTER in error. The rest of the application will remain the same

No. MC 135646 (Sub-No. 2TA), filed November 20, 1974. Applicant: JIMMIE W. DERVAN, doing business as DERVAN CARTAGE SERVICE, 321 North Washington Street, Albany, Ga. 21701. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Carbon black*, between Albany, Ga., on the one hand, and, on the other, the plant site of Yale Rubber Company at Dawson, Ga.; (b) *Textile products*, between Albany, Ga., on the one hand, and, on the other, the plant site of Newton Manufacturing Company at Newton, Ga.; and (3) *Fertilizer*, in bags, *insecticides and spray materials*, between Albany, Ga., on the one hand, and, on the other, the plant site of Georgia Agricultural and Industrial Warehouse, Inc., located approximately one mile west of Sylvester, Ga., on U.S. Highway 82, for 180 days. Restriction: Restricted to traffic having a prior or subsequent movement by rail in trailer on flat car service. Supporting shippers: Yale Rubber Company, P.O. Box 429, Dawson, Ga. 31472; Newton Manufacturing Company, P.O. Box 205, Newton, Ga. 31770; and Georgia Agricultural and Industrial Warehouse, Inc., Route 1, Box 124. Sylvester, Ga. 31791. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay Street, Jacksonville. Fla. 32202.

No. MC 138878 (Sub-No. 3TA), filed November 19, 1974. Applicant: JOHN S. WATSON, doing business as JOHN S. WATSON TRUCKING COMPANY, Route 2, Box 94, Weston, West Va. 26452. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, West Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Timbers, Cants and Railroad Ties, Wooden*, from Sutton, W. Va., to points in Illinois, Indiana, Michigan, and New Jersey, for 180 days. Supporting shippers: United Wood Preserving Co., Old Fair Grounds, Sutton, West Va. 26601, Ronald F. Parsons, Plant Manager. Send protests to: H. R. White, District Supervisor Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, West Va. 25301.

No. MC 140352TA (Correction), filed November 1, 1974, published in the FEDERAL REGISTER issue of November 18, 1974, and republished as corrected this issue. Applicant: HENRY J. WILKINSON, doing business as INYO-MONO BODY SHOP, 387 N. Warren Street, Bishop, Calif. 93514. Applicant's representative: Henry J. Wilkinson (same address as applicant).

NOTE.—The purpose of this republication is to show the applicant's correct MC number as stated above, in lieu of No. MC 140315TA, which was published in the FEDERAL REGISTER in error. The rest of the application will remain the same.

No. MC 140361 (Sub-No. 1TA), filed November 15, 1974. Applicant: COLUMBUS PARCEL SERVICE, INC., 1009 Joyce Avenue, Columbus, Ohio 43219. Applicant's representative: James Duvall, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flowers, plants, and fresh fruit* having a prior movement by motor truck or air, when transported in the same vehicle with regulated intrastate shipments, from points in Franklin County, Ohio, to points in Ohio (except those points located in Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Defiance, Fulton, Geauga, Harrison, Henry, Jefferson, Lake, Lorain, Lucas, Mohoning, Medina, Monroe, Ottawa, Paulding, Portage, Stark, Summit, Trumbull, Williams, and Wood Counties, Ohio), for 180 days. Supporting shippers: (1) Apopka Plant Co-Op, P.O. Drawer AL, Apopka, Fla. 32703; (2) Associated Fruit Packers, P.O. Box 518, Oklawaha,

Fla. 32679; (3) G & S Packing Co., Inc., Box 157, Weirsdale, Fla. 32695; and (4) Wm. Zappettini Co., 1330 Terra Bella Avenue, Mt. View, Calif. 94043. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 220 Federal Building & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 140371 (Sub-No. 1TA), filed November 19, 1974. Applicant: ROSS BROTHERS TRUCKING, Route No. 1, Shelby, N.C. 28150. Applicant's representative: W. C. Mauldin, 417 Old Post Road, Cherryville, N.C. 28021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand* in bulk, from Pageland, S.C., to points in Gaston and Cleveland Counties, N.C., for 180 days. Supporting shipper: Dixie Lumber Co., of Cherryville, Inc., N. Dixie St., Cherryville, N.C., Bean Construction Co., Inc., P.O. Box 128, Cherryville, N.C. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Suite CC516 Charlotte, N.C. 28205.

No. MC 140374 (Sub-No. 1TA), filed November 18, 1974. Applicant: RANDOLPH R. TURNER, doing business as TURNER TRANSPORT CO., 2508 Bowman Street NW., Roanoke, Va. 24012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green salted hides*, from Roanoke, Va., to points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia; and *damaged, refused and rejected shipments* of the above commodities on return, for 180 days. Supporting shipper: Kavanaugh Industries, Inc., Lynchburg, Va. Send protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue W.,S Roanoke, Va. 24011.

No. MC 140379 (Sub-No. 1TA), filed November 14, 1974. Applicant: TRANSPORT SERVICE, INC., 999 Pontiac Avenue, Cranston, R.I. 02920. Applicant's representative: Russell R. Sage, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, Va. 22312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Band steel, wire rods, wire, and steel ingots and billets*, from the plant of Washburn Wire Company at Phillipsdale, R.I., to points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia and (2) *Materials, supplies and equipment* used in the manufacture of band steel, wire rods, wire and steel ingots and billets, from points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia, to the plant of Washburn Wire Company at Phillipsdale, R.I., for 180 days. Restriction: All service is limited to that performed under a continuing contract with Washburn Wire Company. Supporting shipper: Washburn Wire Company, Bourne Avenue, Phillipsdale, R.I. 02916. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

No. MC 140396TA, filed November 15, 1974. Applicant: AVTEC SERVICES, INC., 1750 NW. 69th Avenue, Miami, Fla. 33126. Applicant's representative: Richard B. Austin, 5255 NW. 87th Avenue, Room 214, Miami, Fla. 33178. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Class A and B explosives, commodities in bulk or commodities which by reason of size or weight require specialized handling and equipment), (1) Between Miami International Airport, on the one hand, and, on the other, points in South Carolina, Georgia, Alabama, Tennessee, Texas, and Mississippi and (2) Between the listed destination states in (1) above, on the one hand, and, on the other, Miami International Airport, restricted to traffic moving under continuing contract or contracts with Span East Airlines, Inc., for 180 days. Supporting shipper: Span East Airlines, Inc., 1750 NW. 69th Avenue, Miami, Fla. 33126. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33178.

No. MC 140397 TA, filed November 18, 1974. Applicant: HY-WAY TRANSPORT, INC., 772 McKinley Street, Hazleton, Pa. 18201. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Silver and gold bearing slag in loose form produced from burnt photographic and x-ray film*, from Delano, Pa., to a point on the United States and Canadian border near St. Romauld, N.Y.; (2) *Discarded photographic and x-ray film*, from points in Minnesota, Wisconsin, Iowa, Illinois, Missouri, Indiana, Kentucky, Tennessee, Arkansas, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, West Virginia, Delaware, Connecticut, Maryland, Ohio, Michigan, New York, New Hampshire, Massachusetts, and Rhode Island, to Delano, Pa.; and (3) *Business forms*, from Hazleton, Pa., to points in New York, New Jersey, Connecticut, and Ohio, for 180 days. Supporting shipper: Ag-Met, Inc., P.O. Box 423, Hazleton, Pa. 18201. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503.

By the Commission.

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

[FR Doc.74-28069 Filed 11-29-74;8:45 am]

[Ex Parte No. MC-19 (Sub-No. 23)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Experiment for Improving Accuracy of Estimates

NOVEMBER 20, 1974.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of November, 1974.

It appearing, That by petition filed September 19, 1974, North American Van Lines, Inc., sought permission to deviate for a period of one year, beginning January 1 ,1975, from certain provisions of the regulations set forth in paragraph 1056.8(a), of Part 1056 of Chapter X, of Title 49 of the Code of Federal Regulations in order to conduct an experiment to improve the accuracy of estimates required by those provisions;

It further appearing, That notice of the filing of the petition was published in the FEDERAL REGISTER of September 27, 1974 (39 FR 34723), and provision was made for the filing of representations by any person or persons supporting or opposing the relief sought;

And it further appearing, That written statements of views and comments respecting the proposed experiment were filed by parties, including petitioner; that those statements have been analyzed in the report made and filed herein by the Commission; and that the said report contains the Commission's findings of fact and conclusions thereon, which report is hereby referred to and made a part hereof;

It is ordered, That petitioner be, and it is hereby authorized to conduct the proposed experiment in the manner and form set forth in the said report; and that the petition in all other respects be, and it is hereby, denied.

It is further ordered, That notice of the granting of permission to petitioner to deviate from the provisions of 49 CFR 1056.8(a) will be published in the FEDERAL REGISTER through the publication of this order.

And it is further ordered, That this proceeding be, and it is hereby, continued subject to the further order of the Commission.

By the Commission.

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

[FR Doc.74-28067 Filed 11-29-74;8:45 am]

[AB 12 (Sub-No. 16)]

SOUTHERN PACIFIC TRANSPORTATION CO. ABANDONMENT

Torrance and Harbor City, in Los Angeles County, CA

NOVEMBER 19, 1974.

The Interstate Commerce Commission hereby gives notice that: 1. On Tuesday,

October 15, 1974, notice was published in the City and County of Los Angeles, California, that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action sigificantly 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.* 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the October 15, 1974 notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT S. OSWALD,
Secretary.

[FR Doc.74-28074 Filed 11-29-74;8:45 am]

[Notice 20]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
S & M Truck Line, Inc.: MC-9251 Sub-2	MC-9251 Sub-3	Aug. 23, 1974
Frozen Food Express: MC-108207 Sub-339	MC-108207 Sub-363	Feb. 20, 1974
Signal Delivery Service, Inc.: MC-108393 Sub-69	MC-108393 Sub-70	Feb. 11, 1974
L. P. Transportation, Inc.: MC-109649 Sub-19	MC-109649 Sub-17	Feb. 27, 1974
Boss Linco Lines, Inc.: MC-109847 Sub-14	MC-109847 Sub-15	Feb. 1, 1974
Zero Refrigerated Lines: MC-110098 Sub-136	MC-110098 Sub-137	Mar. 7, 1974
Redwing Carriers Inc.: MC-111045 Sub-96	MC-111045 Sub-100	Feb. 4, 1974
Hartmans, Inc.: MC-112696 Sub-46	MC-112696 Sub-47	Mar. 13, 1974
Bray Lines Inc.: MC-112822 Sub-324	MC-112822 Sub-329	Oct. 17, 1974
Roy Bros., Inc.: MC-112963 Sub-26	MC-112963 Sub-29	Feb. 20, 1974
Roy Bros., Inc.: MC-112963 Sub-32	MC-112963 Sub-39	Feb. 14, 1974
Chandler Trailer Convoy, Inc.: MC-114004 Sub-137	MC-114004 Sub-147	Oct. 21, 1974
Sullivan's Motor Delivery, Inc.: MC-116487 Sub-8	MC-116487 Sub-9	Aug. 25, 1974
Trop-Archic Refrigerated Service, Inc.: MC-127418 Sub-4	MC-127418 Sub-5	June 11, 1974
Metro Heavy Hauling, Inc.: MC-135537	MC-135573 Sub-1	Jan. 11, 1974
Metro Heavy Hauling, Inc.: MC-135537 Sub-2	MC-135537 Sub-8	Oct. 16, 1974
Lee Contract Carriers: MC-136848 Sub-3	MC-136848 Sub-4	Sept. 6, 1974
Lahmann International Corp.: MC-138407 Sub-1	MC-138407 Sub-2	Oct. 11, 1974
Carolina Western Express: MC-138635 Sub-2	MC-138407 Sub-4	Sept. 6, 1974

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-28076 Filed 11-29-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

NOVEMBER 25, 1974.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding, including a detailed statement of protestant's interest in the proposal.

No. MC 19157 (Sub-No. 18G), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER November 7, 1974. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. 3, Box 4, Campbell Road, Schenectady, N.Y. 12306. Applicant's representative: Anthony C. Vance, Suite 501, 1111 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *Radioactive material*, new and spent, *radioactive source, special nuclear and by-product materials, radioactive material shipping containers, nuclear reactor component parts, and equipment* used in the operation and maintenance of nuclear reactors (except commodities which by reason of size or weight require the use of special equipment) * * *. The purpose of this filing is to eliminate the gateways at points in Niskayuna, Milton, Cattaraugus Counties, N.Y., and points in New York. The purpose of this partial correction is to clarify the gateways in (2) above. The remainder of the application remains as previously published.

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 within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2860 (Sub-No. E79), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 Sixteenth 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, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Providence and Westerly, R.I., and points in that part of Connecticut on and south of a line beginning at the New York-Connecticut State line, thence along Interstate Highway 84 to New Britain, thence along Connecticut Highway 72 to junction Connecticut Highway 66, thence along Connecticut Highway 66 to junction Connecticut Highway 16, thence along Connecticut Highway 16 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to the Connecticut-Rhode Island State line, on the one hand, and, on the other, points in that part of New York on and west of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 14 to junction New York Highway 96, thence along New York Highway 96 to junction Interstate Highway 490, thence along Interstate Highway 490 to Lake Ontario; and (b) between points in that part of Connecticut on and east of a line beginning at the New York-Connecticut State line, thence along Interstate Highway 84 to junction Interstate Highway 86, thence along Interstate Highway 86 to the Connecticut-Massachusetts State line, on the one hand, and, on the other, points in that part of New York on and west of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 14 to junction New York Highway 352, thence along New York Highway 352 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction New York Highway 63, thence along New York Highway 63 to Lake Ontario. The purpose of this filing is to eliminate the gateway of any point in Morris County, N.J.

No. MC 37203 (Sub-No. E1), filed May 31, 1974. Applicant: MILLSTEAD VAN LINES, INC., P.O. Drawer 878, Bartlesville, Okla. 74003. Applicant's representative: Thomas F. Sedberry, Suite 1102 Perry-Brooks Bldg., Austin,

Tex. 78701. 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 Arkansas, on the one hand, and, on the other, points in Colorado, Nebraska (Shawnee, Okla., and points in Oklahoma within 150 miles of Shawnee*), Montana, and Wyoming (points in Oklahoma within 80 miles of Tulsa which are within 150 miles of Shawnee, including Tulsa and Shawnee*); (2) between points in Missouri (points in Oklahoma*), Indiana, Illinois, Kentucky (Shawnee, Okla., and points in that part of Oklahoma within 150 miles of Shawnee*), Massachusetts, Michigan, Ohio, Maine, Pennsylvania, New Jersey, New York, Rhode Island, and West Virginia (Shawnee, Okla., and points in that part of Oklahoma within 150 miles of Shawnee, and points in McLean County, Ill.*); (3) between points in McDonald, Barry, Newton, Lawrence, Dade, Barton, Jasper, and Vernon Counties, Mo., on the one hand, and, on the other, points in Pennsylvania, New Jersey, and New York (points in Oklahoma and McLean County, Ill.*); and (4) between points in McDonald, Barry, Newton, Lawrence, Jasper, Dade, Barton, Cedar, Vernon, St. Clair, Bates, Henry, Hickory, Polk, Dallas, Greene, Webster, Christian, Stone, and Taney Counties, Mo., on the one hand, and, on the other, points in Massachusetts, Rhode Island, and Maine (points in Oklahoma and McLean County, Ill.*). The purpose of this filing is to eliminate the gateways designated by asterisks above.

No. MC 63417 (Sub-No. E61), filed October 27, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Rd. NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 210 United Unions Bldg., 1750 N.Y. Ave. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Pulaski County, Va., to (1) points in Georgia, North Carolina, and South Carolina (Galax, Va.)*; (2) points in Texas, that part of Mississippi on and south of a line beginning at the Arkansas-Mississippi State line and extending along U.S. Highway 82 to the Mississippi-Alabama State line, that part of Oklahoma on, west, and south of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 177 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to the Oklahoma-Arkansas State line (Galax, Va., and Macon, Ga)*. The purpose of this filing is to eliminate the gateways indicated at asterisks above.

No. MC 65112 (Sub-No. E4), filed May 30, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. 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 that part of Michigan in and east of Branch, Calhoun, Eaton, Clinton, Gratiot, Isabella, Clare, Missaukee, Kalkaska, Antrim, Charlevoix, and Emmet Counties, on the one hand, and, on the other, points in that part of Texas on and south of a line beginning at Del Rio, thence along U.S. Highway 9 to San Antonio, thence along Interstate Highway 10 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 65112 (Sub-No. E28), filed May 30, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. 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 Ohio, on the one hand, and, on the other, points in that part of Texas on and south of a line beginning at Del Rio, thence along U.S. Highway 9 to San Antonio, thence along Interstate Highway 10 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 7640 (Sub-No. E7) (Correction), filed May 27, 1974, published in the FEDERAL REGISTER October 23, 1974. Applicant: BARNES TRUCK LINES, INC., P.O. Box 2006, High Point, North Carolina 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives), household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Baltimore, Md., and points in that part of Virginia on and east of a line beginning at the North Carolina-Virginia State line, thence along Interstate Highway 85 to junction Interstate Highway 95, thence along Interstate Highway 95 to Richmond, thence along Interstate Highway 64 to Gum Springs, thence along U.S. Highway 522 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Virginia-Maryland State line (except points in Accomack and Northampton Counties), and that part of Pennsylvania on, south, and east of a line beginning at the Maryland-Pennsylvania State line, thence along Instate Highway 83, to York, thence along U.S. Highway 30 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in South Carolina and that part of North Carolina east of U.S. Highway 258 and west of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 64 to junction U.S. Highway 401, thence along U.S. Highway 401 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Wilson, North Carolina, and points within 50 miles thereof. The purpose of this correction is to redefine authority sought.

No. MC 83835 (Sub-No. E7), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' machinery and equipment* when, (A) used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; (B) used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; and (C) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in Ohio and Pennsylvania, on the one hand, and, on the other, points in Arkansas, Iowa, Louisiana, Minnesota, Montana, North Dakota, South Dakota, and Wyoming, restricted against the transportation of iron and steel and iron and steel articles, but not mining and contractors' machinery and equipment, originating at points in Indiana which are within the Chicago, Ill., commercial zone, as defined by the Commission. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 83835 (Sub-No. E8), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and

their products and by-products, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking thereof, (B) *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage (restricted to the transportation of shipments moving to or from pipeline rights of way); and (C) earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection of removal of commodities into or from holes or wells, between points in Arkansas and Louisiana, on the one hand, and, on the other, points in Pennsylvania on the west of U.S. Highway 219. The purpose of this filing is to eliminate the gateways of points in Kentucky.

No. MC 95084 (Sub-No. E8), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts* therefor, from Berea, Ohio, to points in Colorado, Nebraska, North Dakota, South Dakota, Wyoming, points in Kansas on and west of U.S. Highway 63 and points in Minnesota on and west of a line from the Minnesota-Iowa State line along U.S. Highway 63 to the junction of U.S. Highway 52, thence along U.S. Highway 52 to the junction of U.S. Highway 169, thence along U.S. Highway 169 to Moose Lake. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 95084 (Sub-No. E12), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, from Morton and Streator, Ill., to points in Colorado, North Dakota, South Dakota, Wyoming, points in Kansas on and west of a line from the Kansas-Nebraska State line along U.S. Highway 183 to the junction of U.S. Highway 56, thence along U.S. Highway 56 to the Kansas-Oklahoma State line, points in Minnesota on and west of a line from the Iowa-Minnesota State line along Interstate Highway 35 to the junction Minnesota Highway 33, thence along Minnesota Highway 33 to the junction of U.S. Highway 53, thence along U.S. Highway 53 to the United States-Canadian International Boundary line, and points in Nebraska on and west of a line from the Kansas-Nebraska State line along Nebraska Highway 15 to the junction of U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa, and points within 1 mile thereof.

No. MC 95084 (Sub-No. E13), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, from Moline, Ill., to points in Colorado, North Dakota, South Dakota, Wyoming, points in Kansas on and west of Kansas Highway 15, points in Minnesota on and west of U.S. Highway 169, and points in Nebraska on and west of Nebraska Highway 15. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa and points within 15 miles thereof.

No. MC 95084 (Sub-No. E16), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable elevators and fertilizer spreaders*, knocked down, and *parts* thereof, from Bloomington, Ill., to points in Colorado, North Dakota, South Dakota, Wyoming, points in Kansas on and west of a line from the Kansas-Nebraska State line along U.S. Highway 83 to the junction of Kansas Highway 25, thence along Kansas Highway 25 to the Kansas-Oklahoma State line, points in Minnesota on and west of a line from the Iowa-Minnesota State line along Interstate Highway 35 to Minneapolis, thence along U.S. Highway 169 to the United States-Canadian International Boundary line, and points in Nebraska on and west of Nebraska Highway 15 from the Nebraska-Kansas State line to the junction of U.S. Highway 30 and on and north of U.S. Highway 30. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa, and points within 1 mile thereof.

No. MC 95084 (Sub-No. E15), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and agricultural implements and parts*, from Edenton, N.C., to points in Colorado, Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and points within 1 mile thereof, and Kewanee, Illinois.

No. MC 95084 (Sub-No. E7), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *agricultural machinery* and *parts* from Rockford, Ill., to points in Colorado, Kansas, Nebraska, North Dakota, South Dakota, Wyoming, and points in Minnesota on and west of a line from the Iowa-Minnesota State line along U.S. Highway 71 to the junction of Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-North Dakota State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa, and points within 1 mile thereof.

No. MC 95084 (Sub-No. E9), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts thereof*, from Crown Point, Ind., to points in Colorado, Nebraska, North Dakota, South Dakota, Wyoming, points in Kansas on and west of a line from the Kansas-Nebraska State line along U.S. Highway 75 to the junction of Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line, and points in Minnesota on and west of a line from the Iowa-Minnesota State along U.S. Highway 69 to the junction of Minnesota Highway 13, thence along Minnesota Highway 13, to the junction of Minnesota Highway 19, thence along Minnesota Highway 19 to the junction of Minnesota Highway 22, thence along Minnesota Highway 22 to the junction of Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-North Dakota State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 95084 (Sub-No. E10), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts* thereof from Taylorville, Ill., to points in Nebraska, North Dakota, South Dakota, Wyoming, points in Colorado, on and west of a line from the Colorado-Wyoming State line along Colorado Highway 71 to the junction of U.S. Highway 350, thence along U.S. Highway 350 to the junction of U.S. Highway 85–87, thence along U.S. Highway 85–87 to the Colorado-New Mexico State line, points in Kansas on and west

of U.S. Highway 83, and points in Minnesota (except points east of U.S. Highway 63). The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 95084 (Sub-No. E11), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements and machinery*, from Chicago, Ill., to points in Colorado, Nebraska, North Dakota, South Dakota, Wyoming, points in Kansas on and west of U.S. Highway 75, and points in Minnesota on and west of a line from the Iowa-Minnesota State line along Minnesota Highway 15 to the junction of U.S. Highway 12, thence along U.S. Highway 12 to the junction of U.S. Highway 71, thence along U.S. Highway 71 to the junction of Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-North Dakota State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 95084 (Sub-No. E16), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and agricultural implements and parts* from Edenton, N.C., to points in Idaho, Montana, and Utah. The purpose of this filing is to eliminate the gateway of Kewanee, Illinois.

No. MC 95084 (Sub-No. E17), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *agricultural machinery* and *parts* from Fort Dodge, Iowa, to points in Mississippi and Tennessee. The purpose of this filing is to eliminate the gateway of Kewanee, Ill.

No. MC 107515 (Sub-No. E289), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375. 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in North Carolina to points in Illinois and Wisconsin and to points in Evansville, Ind. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 107515 (Sub-No. E292), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pizza, salads, and sandwich spreads*, in vehicles equipped with mechanical refrigeration, from Greensboro, N.C., to points in Louisiana. The purpose of this filing is to eliminate the gateway of the plant site of Commercial Cold Storage, at Doraville, Ga.

No. MC 107515 (Sub-No. E293), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Edible meats, and edible meat products* (except commodities in bulk, in vehicles equipped with mechanical refrigeration), from Goldsboro, N.C., to points in Illinois, Indiana, Minnesota, Missouri, and Wisconsin, and that part of Michigan on and west of a line beginning at the Michigan-Ohio State line, thence along U.S. Highway 127 to Lansing, thence along Wisconsin Highway 78/21 to Fleet, thence along Interstate Highway 75 to junction U.S. Highway 10, thence along U.S. Highway 10 to Saginaw Bay. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Ewing, Inc., in Jefferson County, Ky.

No. MC 107515 (Sub-No. E294), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meats and meat products* (commodities in bulk), from Goldsboro, N.C., to points in Pennsylvania, Delaware, New Jersey, New York, Rhode Island, Connecticut, New Hampshire, Vermont, Massachusetts, Maine, Wisconsin, Minnesota, Michigan, and points in that part of Ohio on and north of U.S. Highway 30. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC 107515 (Sub-No. E295), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meats and meat products* (commodities in bulk) from Goldsboro, N.C., to points in Maryland. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC 107515 (Sub-No. E358), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except liquid commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Carey and New Riegel, Ohio, to points in that part of Texas on and south of a line beginning at the Texas-Louisiana State line, thence along Interstate Highway 20 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction Texas Highway 31, thence along Texas Highway 31 to junction Texas Highway 22, thence along Texas Highway 22 to junction Texas Highway 218, thence along Texas Highway 218 to junction U.S. Highway 84/183, thence along U.S. Highway 84/183 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Texas Highway 329, thence along Texas Highway 329 to junction Texas Highway 18, thence along Texas Highway 18 to junction U.S. Highway 80, thence along U.S. Highway 80 to the International Boundary line between the United States and Mexico, restricted to the transportation of traffic originating at the plant site and warehouse facilities of Riegel Provisions Co., at New Riegel and Carey, Ohio. The purpose of this filing is to eliminate the gateway of Montgomery, Ala.

No. MC 107515 (Sub-No. E359), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats and such commodities* as are classified as dairy products in the Appendix to the report in *Modification of Permits—Packing House Products*, 46 M.C.C. 23 (except canned goods not requiring refrigeration), from Columbus, Ohio, to points in Florida and those parts of Louisiana and Mississippi on and south of Interstate Highway 20. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107515 (Sub-No. E360), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in mechanically refrigerated equipment, from Toledo, Ohio, and that part of Ohio on and north of a line beginning at Lake Erie, thence along U.S. Highway 6 to junction Interstate Highway 80/90, thence along Interstate Highway 80/90 to the Ohio-Indiana State line, points in that part of Florida on and south of U.S. Highway 90. The pur-

pose of this filing is to eliminate the gateways of (1) Detroit, Mich., and (2) Columbus, Ohio.

No. MC 107515 (Sub-No. E364), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Jackson, Ohio, to points in Idaho, Nevada, and Utah, and (2) from Columbus, Ohio, to points in Nevada, Utah, and that part of Idaho on and south of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 107515 (Sub-No. E366), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in mechanically refrigerated equipment, from Cleveland, Ohio, and that part of Ohio on and north of a line beginning at the Pennsylvania-Ohio State line, thence along Interstate Highway 90 to junction Interstate Highway 80, thence along Interstate Highway 80/90 to the Ohio-Indiana State line to that part of Texas on and south of a line beginning at the Arkansas-Texas State line, thence along U.S. Highway 82 to Wichita Falls, thence along U.S. Highway 287 to Amarillo, thence along U.S. Highway 87/287 to Dumas, thence along U.S. Highway 287 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of (1) Detroit, Mich., and (2) Columbus, Ohio.

No. MC 107515 (Sub-No. E375), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, and *dairy products*, as described in the Appendix to the report in *Modification of Permits-Packing House Products*, 48 M.C.C. 628, from points within 10 miles of Atlanta, Ga. (except Atlanta), to points in that part of Virginia on and east of U.S. Highway 21 and points in Virginia in their commercial zones. The purpose of this filing is to eliminate the gateway of the plant site of Family Foods, Inc., or Ambrosia Chocolate Co., at Charlotte, N.C.

No. MC 107515 (Sub-No. E376), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen poultry, frozen pies*, in equipment equipped with mechanical refrigeration, from points in Georgia to points in Colorado. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 107515 (Sub-No. E377), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Georgia to Dallas, Tex., and to points in Ohio, Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Oklahoma, and Illinois. The purpose of this filing is to eliminate the gateway of Gainesville, Ga.

No. MC 107515 (Sub-No. E378), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of Georgia on and west of a line beginning at the Alabama-Georgia State line, thence along Georgia Highway 48 to junction Georgia Highway 1, thence along Georgia Highway 1 to junction Georgia Highway 140, thence along Georgia Highway 140 to junction Georgia Highway 20, thence along Georgia Highway 20 to junction Georgia Highway 324, thence along Georgia Highway 324 to junction Georgia Highway 8, thence along Georgia Highway 8 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction Georgia Highway 17, thence along Georgia Highway 17 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Georgia Highway 32, thence along Georgia Highway 32 to junction U.S. Highway 441, thence along U.S. Highway 441 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateway of Gainesville, Ga.

No. MC 107515 (Sub-No. E379), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Foods*, from points in Georgia to the District of Columbia, and to points in New Jersey, Connecticut, Delaware, Massachusetts, and that part of Maryland on and east of Interstate Highway 81. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC 107515 (Sub-No. E380), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared Dough*, From Atlanta, Ga., to points in that part of Virginia on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateways of the plantsites of Family Foods, Inc., or Amborsia Chocolate Company, Div. of W. R. Grace and Company at Charlotte, N.C.

No. MC 107515 (Sub-No. E381), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh* and *cured meats* and *such commodities as are classified as dairy products* in the Appendix to the report in *Modification of Permits—Packing House Products*, 48 M.C.C. 23; *Frozen foods*, and *fresh fruits* and *vegetables*, from Atlanta, Ga., to points in that part of Virginia on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateways of the plantsites of Family Foods, Inc., or Ambrosia Chocolate Company, Div. of W. R. Grace and Company at Charlotte, N.C.

No. MC 107515 (Sub-No. E382), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard, lard compounds*, and *cooking oil*, when moving in connection with cured, smoked, or fresh meats, from Atlanta, Ga., to points in that part of Virginia on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateway of the plantsites of Family Foods, Inc., or Ambrosia Chocolate Company, Div. of W. R. Grace and Company at Charlotte, N.C.

No. MC 107515 (Sub-No. E388), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, from points in Georgia to points in North Dakota, South Dakota, and that part of Kansas on and west of U.S. Highway 169. The purpose of this filing is to eliminate the gateway of (1) Florence, Ala., and (2) Kansas City, Mo.

No. MC 107515 (Sub-No. E389), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of Georgia on and east of a line beginning at the Alabama-Georgia State line,

thence along Georgia Highway 8 to junction U.S. Highway 27, thence along Alternate Highway 27 to junction Georgia Highway 41, thence along Georgia Highway 41 to Talbotton, thence along Georgia Highway 90 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Georgia Highway 33, thence along Georgia Highway 33 to Moultrie, thence along U.S. Highway 319 to the Georgia-Florida State line, to points in Arkansas. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 107515 (Sub-No. E390), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, from Augusta, Ga., to that part of Tennessee on and west of a line beginning at the Mississippi-Tennessee State line, thence along Tennessee Highway 22 to Union City, thence along Tennessee Highway 5 to the Kentucky-Tennessee State line, restricted to traffic originating at the plant site and warehouse facilities of Armour & Company, and Shapiro Packing Company at Augusta, Ga. The purpose of this filing is to eliminate the gateway of Columbus, Ga.

No. MC 107515 (Sub-No. E395), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Georgia to points in that part of Indiana on and north of a line beginning at the Indiana-Kentucky State line, thence along U.S. Highway 41 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 58, thence along Indiana Highway 58 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Indiana Highway 46, thence along Indiana Highway 46 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateways of Florence, Ala., or Gainesville, Ga.

No. MC 107515 (Sub-No. E396), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared dough*, when moving in refrigerated vehicles, from Atlanta, Ga., to points in that part of West Virginia on and east of Interstate Highway 77, and that part of Ohio on and east of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 77 to junction Ohio Highway 21, thence along Ohio Highway 21 to Lake Erie. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC 107515 (Sub-No. E397), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk, in tank vehicles), from points in that part of Georgia on and south of a line beginning at the Alabama-Georgia State line, thence along Georgia Highway 62 to junction U.S. Highway 80, thence along U.S. Highway 80 to Savannah Beach. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 107515 (Sub-No. E398), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of Georgia on and north of a line beginning at the Alabama-Georgia State line, thence along Georgia Highway 18 to junction Georgia Highway 74, thence along Georgia Highway 74 to Macon, thence along U.S. Highway 80 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 107515 (Sub-No. E399), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Georgia to points in that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 1 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Interstate Highway 495, thence along Interstate Highway 495 to the Maryland-Virginia State line and all points in that part of Virginia which are included in the Washington, D.C., Commercial Zone, as defined by the Commission. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC 107515 (Sub-No. E400), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk and tank vehicles), in vehicles equipped with mechanical refrigeration, from Augusta, Ga., to points in Arkansas, Nebraska, Oklahoma, and Texas, restricted to traffic originating at the plant site and warehouse facilities of Armour & Company, and Shapiro Packing Company, in Augusta, Ga. The purpose of this filing is to eliminate the gateway of Montgomery, Ala.

No. MC 107515 (Sub-No. E401), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Georgia to points in that part of Arkansas on and north of a line beginning at the Arkansas-Louisiana State line, thence along U.S. Highway 79 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to the Arkansas-Mississippi State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 108207 (Sub-No. E57), filed May 31, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and meats, meat products, and meat by-products*, as defined by the Commission (except canned or packaged meats and canned or packaged meat products, other than canned hams, packaged hams, and packaged bacon, and except commodities in bulk, in tank vehicles, in vehicles equipped with mechanical refrigeration), restricted to commodities which are foodstuffs, from points in California to Memphis, Tenn., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 108207 (Sub-No. E58), filed May 31, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 6888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and unfrozen prepared dough*, from Van Wert, Ohio, to points in New Mexico, Arizona, and California. The purpose of this filing is to eliminate the gateways of points in Texas.

No. MC 108207 (Sub-No. E59), filed May 31, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Dairy products*, from New Mexico, Arizona, and California, to Louisville, Ky. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

No. MC 108207 (Sub-No. E60), filed May 31, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 6888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *meats, meat products*, and *meat by-products*, as defined by the Commission (except canned or packaged meats and canned or packaged meat products, other than canned hams, packaged hams, and packaged bacon), dairy products as defined by the Commission, salad dressing, yeast, and uncooked bakery goods, from points in Louisiana to points in Kansas. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 109692 (Sub-No. E1), filed June 2, 1974. Applicant: GRAIN BELT TRANSPORTATION, Company 625 Livstock Exchange Bldg., Kansas City, Mo. 64102. Applicant's representative: Tom B. Kretsinger, Suite 910 Fairfax Bldg., 101 West Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, perishable commodities, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between Kansas City and St. Joseph, Mo., on the one hand, and, on the other, points in that part of Kansas on and west of Kansas Highway 27. The purpose of this filing is to eliminate the gateway of Lanham, Nebr., and points in Nebraska within 15 miles of Lanham.

No. MC 110525 (Sub-No. E1162), filed May 20, 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: *Animal, vegetable, mineral, and fish oil, chemicals, soap and soap products, glycerine. petroleum products* (except liquid wax and commodities requiring attached heater equipment), *coal tar products, dry sugar, and dry cement*, all in bulk, in tank vehicles, from points in Maryland to points in Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of Lima and Philadelphia, Pa., and Newark, N.J.

No. MC 110525 (Sub-No. E1164), filed May 20, 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: *Animal, vegetable, mineral, and fish oil, chemicals, soap and soap products, glycerin, petroleum products* (except liquid wax and commodities requiring attached heater equipment), *coal tar products, dry sugar, and dry cement*, all in bulk, in tank vehicles, from points in Delaware to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateways of Lima and Philadelphia, Pa. and Newark, N.J.

No. MC 110525 (Sub-No. E1163), filed May 20, 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: *Animal, vegetable, mineral, and fish oil, chemicals, soap and soap products, glycerin, petroleum products* (except liquid wax and commodities requiring attached heater equipment), *coal tar products, dry sugar, and dry cement*, all in bulk, in tank vehicles, from the District of Columbia to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateways of Lima and Philadelphia, Pa., and Newark, N.J.

No. MC 110525 (Sub-No. E1167), filed May 20, 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: *Dry chemicals*, in bulk, in tank vehicles, from points in Maryland to points in Maine (except points in Aroostook County), New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Lima, Pa., Newark, N.J., and Springfield, Mass.

No. MC 110525 (Sub-No. E1240), filed June 4, 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: (A) *Animal, vegetable, mineral, and fish oil, chemicals, soap and soap products, and glycerin;* (1) between the District of Columbia and points in Delaware and Maryland on the one hand, and, on the other, points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Union, and Warren Counties, N.J. (Lima, Pa.)*; and (2) between the District of Columbia and points in Delaware and Maryland, on the one hand, and, on the other, New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y. (Lima, Pa., and Newark, N.J.)*; (B) *Petroleum products* (except liquid wax and commodities requiring attached heater equipment), (1) from the District of Columbia to points in New Jersey, and (2) from points in Delaware and Maryland to points in that part of New Jersey on and north of New Jersey Highway 70 (Lima and Philadelphia, Pa.)*; (C) *Coal tar products*, (1) from the District of Columbia and points in Delaware and Maryland to points in Connecticut, that part of New Jersey on and north of New Jersey Highway 70, and the *New York Commercial Zone*, 1 M.C.C. 665, and (2) from the District of Columbia to points in New Jersey south of New Jersey Highway 70 (Lima and Philadelphia, Pa.)*; (D) *Dry sugar*, (1) from the District of Columbia to points in New Jersey, and (2) from points in Delaware and Maryland to points in that part of New Jersey on and south of New Jersey Highway 70 (Lima and Philadelphia, Pa.)*; and (E) *Dry cement*, (1) from the District of Columbia and points in Delaware and Maryland to New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., and Connecticut, (2) from the District of Columbia to points in that part of New Jersey on and north of New Jersey Highway 70, (3) from points in Maryland to points in that part of New Jersey on and north of New Jersey Highway 33, and (4) from points in Delaware to points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line, thence along New Jersey Highway 12 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Interstate Highway 287, thence along Interstate Highway 287 to the New Jersey-New York State line (Lima, Philadelphia, and W. Conshohocken, Pa.)*, restricted in (A), (B), (C), (D), and (E), above to the transportation of commodities in bulk, in tank vehicles.

No. MC 110525 (Sub-No. E1355), filed June 4, 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 defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, (1) from points in Florida, Georgia, Louisiana, and South Carolina to points in Michigan, (2) from points in that part of Alabama on and south of U.S. Highway 278 (except Anniston), to points in the Lower Peninsula of Michigan, (3) from points in that part of Mississippi on and south of U.S. Highway 80 to points in that part of Michigan on and east of a line beginning at the Michigan-Ohio State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to Bay City, and (4) from points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 75 to Dallas, thence along Interstate Highway 45 to Galveston, to points in that part of Michigan on and east of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to Bay City. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC 114211 (Sub-No. E2) (Correction), filed May 24, 1974, published in the FEDERAL REGISTER October 23, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and parts* thereof, as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities which, because of size or weight, require the use of special equipment, and commodities described in *Mercer Oil Field Commodities*, 74, M.C.C. 459), and *farm tractors*, from Ankeny, Iowa, to points in Louisiana. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, Kansas City, Missouri, and Claremore, Oklahoma. The purpose of this correction is to include farm tractors in the commodity description.

No. MC 114211 (Sub-No. E5) (Correction), filed May 24, 1974, published in the FEDERAL REGISTER October 23, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames and fifth wheels), (2) *equipment* designed for use in conjunction with tractors, (3) *attachments* for the above-described commodities, and (4) *parts* of the commodities described in (1) through (3) above, in mixed loads with such Commodities, from points in Iowa to points in Washington that part of Idaho on and north of U.S. Highway 12, that part of Montana on and north of a line beginning at the North Dakota-Montana State line, thence along Interstate Highway 94 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-Idaho State line, and that part of Oregon on and north of a line beginning at the Washington-Oregon State line, thence along Oregon Highway 11 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction U.S. Highway 26, thence along U.S. Highway 26 to the Pacific Ocean, restricted to the transportation of farm machinery and parts thereof. The purpose of this filing is to eliminate the gateway of Fargo, N. Dakota. The purpose of this correction is to include Washington as a destination state.

No. MC 115322 (Sub-No. E43), filed May 14, 1974. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32309. Applicant's representative: James E. Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Tennessee (except Nashville), and points on and east of U.S. Highway 25E beginning at the Tennessee-Kentucky State line and extending south along U.S. Highway 25E to junction Tennessee Highway 73, thence along Tennessee Highway 73 to junction Interstate Highway 40, thence along Interstate Highway 40 south to the Tennessee-North Carolina State line to Washington, D.C. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-27948 Filed 11-29-74;8:45 am]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Administration of Payments

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 190—BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Regulations Covering the Administration of Grant Payments

A notice of proposed rule making was published in the FEDERAL REGISTER on March 15, 1974 (39 FR 9995 et seq.) relating to administrative matters with respect to the disbursement of payments under the Basic Educational Opportunity Grant Program (Title IV–A–1 of the Higher Education Act of 1965 as amended, (20 U.S.C. 1070a)). At the time of publication of the proposed regulations, the Office of Education distributed them directly to 5,000 institutions of postsecondary education for review and comment. Although some verbal comments were offered, no written responses were received.

The verbal comments received were primarily of a technical nature dealing with the procedure for calculation of institutional refunds and the treatment of a payment made to a student in the event that a student becomes ineligible during that payment period.

With regard to the procedures for calculation of institutional refunds (§ 190.78), the proposed regulations provided that the portion of a student's refund to be restored to the Basic Grant account shall be in the same ratio as the student's Scheduled Award bears to the average student budget as determined by the institution. However, for a considerable number of schools which make a single charge to the student for his academic program but make Basic Grant payments in several installments, this formula may result in a credit to the Basic Grant account of an amount larger than the actual disbursement to the student at the time the refund is requested. For this reason, the proposed regulations have been revised to provide that the amount to be restored to the Basic Grant account shall be in the same ratio to the amount of the refund as the amount of the Basic Grant funds already disbursed to the student at the time he requests the refund bears to the institution's calculation of average student budget for the period of enrollment for which such refund is requested. This procedure is equitable for all institutions and accommodates the differences in tuition charges and Basic Grant payments among different types of institutions of postsecondary education.

With respect to the treatment of Basic Grant payments made to a student who subsequently becomes ineligible (§ 190.75 (c)), the regulations provide that such payment applicable to that particular payment period shall not be reduced or revoked unless the provisions governing the institutional refund policy apply. However, the student shall not receive additional Basic Grant payments unless the student reestablishes his eligibility. This amendment has been added in response to a number of inquiries from institutions which were uncertain as to program procedures in the event that a student is a full-time student at the time he receives his payment, but subsequently enrolls on a less than full-time basis.

The regulations were also amended to bring certain definitions and terminology in conformity with the regulations covering the scope, general definitions, application procedures, and allowable educational costs for the Basic Educational Opportunity Grant Program. The regulations covering these latter topics have previously been published as a final regulation. These changes are technical in nature and do not change the intent or purpose of the regulations covering administration of grant payments.

The regulations, as published, also contained some technical inaccuracies and omissions. These inaccuracies and omissions have been corrected in this publication of the regulations. There has also been some rearrangement of text to give greater clarity, and deletion of text where the material published was more appropriate for some other portion of the regulations. Specifically, a number of sections previously contained in these regulations have been incorporated in the regulations dealing with general definitions, application procedures and allowable educational costs. These sections are as follows: (1) § 190.72 Special Definitions; (2) § 190.82 Duration of student eligibility; and (3) § 190.84 Concurrent receipt of multiple Basic Educational Opportunity Grant payments prohibited.

In the light of the foregoing, Part 190 of Title 45 of the Code of Federal Regulations is amended by the addition of Subpart G as set forth below.

Effective Date: Pursuant to section 431(d) of the General Education Provisions Act, as amended, (20 U.S.C. 1232(d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment. A subsequent notice will be published in the FEDERAL REGISTER stating the specific date on which these regulations have become effective.

(Catalog of Federal Domestic Assistance No. 13.539 Basic Educational Opportunity Grant Program)

Dated: October 10, 1974.

T. H. BELL,
U.S. Commissioner of Education.

Approved: November 22, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 190 of Title 45 of the Code of Federal Regulations is amended by adding a new Subpart, Subpart G, to read as follows:

Subpart G—Administration of Grant Payments

§ 190.71 Scope.

The provisions of this subpart, which deal with matters relating to program administration by institutions of higher education, unless otherwise noted are applicable only to those institutions that have entered into agreements with the Commissioner for that purpose pursuant to § 190.73.

(20 U.S.C. 1070a)

§ 190.72 [Reserved]

§ 190.73 Institutional agreements.

(a) The Commissioner may enter into an agreement with an institution of higher education whereby the institution will calculate and disburse Basic Educational Opportunity Grant awards to students enrolled in that institution. The agreement shall be on a standard form provided by the Commissioner and shall contain such terms as are necessary to carry out this part.

(b) The Commissioner will send to each institution with which he has an agreement pursuant to paragraph (a) of this section a payment schedule for each academic year.

(20 U.S.C. 1070a)

§ 190.74 Advancement of funds to institutions.

The Commissioner will make funds available to an institution of higher education for the purpose of making Basic Educational Opportunity Grant payments to eligible students at that institution. The amount of funds advanced to such institution will reflect the amount estimated by the Commissioner to be needed by that institution to make such payments and such amount may be adjusted periodically to reflect that need more accurately.

(20 U.S.C. 1070a(b)(3)(A))

§ 190.75 Payment of Basic Educational Opportunity Grant awards.

(a) An institution shall make payment of a Basic Educational Opportunity Grant to a student on the basis of having made the following determinations:

(1) that the student applying for the grant meets the eligibility requirements of § 190.3. In making this determination the institution is entitled to rely on information provided by the student if the institution has no direct independent knowledge with respect to such information;

(2) the amount equal to the actual cost of attendance of such student, calculated in accordance with § 190.51;

(3) the amount of the student's Scheduled Basic Educational Opportunity Grant, calculated in accordance with the payment schedule in effect for the period involved; and,

(4) the amount, if any, by which the amount determined in paragraph (a)(3) of this section should be adjusted in accordance with §§ 190.64–190.66 of this part.

(b) (1) Payment of Basic Educational Opportunity Grant awards shall be made in equal amounts at least once each semester, trimester, or quarter for those institutions which utilize such academic units. (2) For those institutions not utilizing such academic periods, payments shall be made in equal amounts not less than twice during that portion of the school year which falls within the academic year, with one payment to be made at the beginning and the other to be made at the midpoint of that portion of the school year which falls within the academic year; provided that if the portion of a school year which falls within an academic year is less than three months, only one payment need be made.

(3) Except where prohibited by § 190.76(c), funds paid to a student with respect to an academic period which has already been completed may be paid to such student in one lump sum payment.

(c) (1) Before making any payment to a student under this section, an institution shall confirm that the student is eligible to receive such funds for the period covered by the grant payment.

(2) Except as provided for in § 190.78, if an institution disburses funds to a student for a particular period, and during that period the student becomes ineligible to participate in the program, the payment applicable to that period shall not be revoked; however, the student shall not receive additional Basic Grant payments unless the student reestablishes his eligibility.

(d) Payments to a student may be made by check or by credit to the student's account with the institution. If payments are made to a student by crediting his account, the institution shall retain a receipt signed by the student for each such transaction and the credit entry to the student's account shall be clearly identifiable.

(20 U.S.C. 1070a)

§ 190.76 Cut-off dates for making application for awards.

(a) Except in cases where paragraph (b) of this section applies, in order to receive a Basic Educational Opportunity Grant for an academic year a student must apply for such a grant by submitting an official "Student Eligibility Report" to the institution in which he is enrolled, pursuant to § 190.61, or to the Commissioner pursuant to § 190.86, prior to May 31 of that academic year.

(b) If a student enrolls in an institution on or after May 1 of an academic year, he may receive a Basic Educational Opportunity Grant for that academic year if he submits the official "Student Eligibility Report" to the institution, or pursuant to § 190.86 to the Commissioner, prior to June 30 of that academic year.

(c) No payment may be made to a student who at the time he submits a "Student Eligibility Report" to an institution of higher education is no longer enrolled and in attendance in an eligible program in that institution of higher education.

(20 U.S.C. 1070a)

§ 190.77 Overpayment of a Basic Educational Opportunity Grant.

In the event that an institution makes an overpayment to a student under this part, the institution shall cooperate fully with the Commissioner, by making a reasonable effort to effect the return of such overpayment. The institution is not, however, liable for any overpayments which are not recovered unless such overpayment was made by the institution under circumstances where the regulations of the Commissioner clearly indicate that such payment should not have been made.

(20 U.S.C. 1070a)

§ 190.78 Effect of institutional refunds.

An institution shall reduce to writing its policy for making refunds of amounts paid for tuition, fees, room and board to students who withdraw or fail to pursue their course of study at such institution. A copy of such policy shall be made available to the Commissioner upon request. If a refund is due to a student pursuant to this policy, a portion of such refund must be restored to the Basic Educational Opportunity Grant account. The amount so restored shall bear the same ratio to the amount of the refund as the amount of the Basic Educational Opportunity Grant already disbursed to the student at the time he withdraws bears to the amount determined by the institution to be the average amount required for a student to pursue studies at that institution for the period of enrollment for which such refund is requested. Such amount shall be returned to the Commissioner by the student if the refund is made to a student by an institution of higher education which has not entered into an agreement under § 190.73.

(20 U.S.C. 1070a)

§ 190.79 Fiscal control and fund accounting procedures.

(a) All funds received and disbursed by an institution under this part shall be handled through one identifiable account in accordance with generally accepted accounting procedures. Such account may be an existing account (preferably one maintained for Federal funds), provided adequate control ledgers are maintained to properly account for such funds separately from other funds. Any such account shall be subject to audit by the Commissioner at such reasonable times as the Commissioner will determine. At no time may the funds in such account be in an amount less than the balance reflected in the institution's control ledgers for the Basic Educational Opportunity Grant Program.

(b) Funds received by an institution pursuant to this part are to be held in trust for the intended student beneficiaries. Such funds may be used only for the purposes for which they are advanced and may not be pledged or hypothecated for any other purpose.

(20 U.S.C. 1070a)

§ 190.80 Maintenance and retention of records.

Each institution shall maintain adequate records with regard to (a) the eligibility or lack thereof, of all students enrolled in the institution who have applied to the institution for a Basic Educational Opportunity Grant, (b) the amount of such grants as have been awarded and to whom, (c) the amount and date of disbursements of such grants to such students, and (d) the amount and date of any overpayments of awards that have been restored to the program account. Such records shall include the "Student Eligibility Report" for each student, the student's cost of attendance at the institution, the basis on which his full-time or part-time enrollment status was determined and the basis on which the portion of the academic year for which the student was enrolled was determined. Further, the institution shall make such records available for inspection by authorized representatives of the Commissioner, at any reasonable time at the offices of the institution. The institution shall retain such records for three years following the date of submission of a final report covering such funds.

(20) U.S.C. 1070a)

§ 190.81 Submission of reports.

The institution shall submit such reports and information as the Commissioner may reasonably require in connection with the funds advanced to it in accordance with § 190.74 and shall comply with such procedures as the Commissioner may find necessary to ensure the correctness of such reports.

(20 U.S.C. 1070a)

§ 190.82 [Reserved]

§ 190.83 Attendance at more than one institution during an academic year.

(a) If a Basic Educational Opportunity Grant recipient withdraws from one institution and applies for a Basic Educational Opportunity Grant at another institution during the same academic year, the student shall submit to that institution an official copy of his "Student Eligibility Report" for calculation of a new Scheduled Basic Educational Opportunity Grant award. If a student transfers to an institution which has not entered into an agreement under § 190.73 he shall follow the procedures described in § 190.86.

(b) The institution to which the student has transferred shall calculate and disburse the student's award in accordance with § 190.75.

(20 U.S.C. 1070a)

§ 190.84 [Reserved]

§ 190.85 Recalculation of Basic Educational Opportunity Grant award.

(a) The amount of a student's Basic Educational Opportunity Grant award for an academic year may be recalcu-

lated during that academic year if the amount of a student's expected family contribution is redetermined in accordance with § 190.15 or § 190.16, or if the student enrolls at more than one institution during the course of an academic year.

(b) If a student's Basic Educational Opportunity Grant is adjusted in accordance with § 190.15 or § 190.16 subsequent payments to the student shall be adjusted, based on the newly calculated scheduled award, to ensure that the student is paid the entire amount of his newly calculated award (subject to any adjustments pursuant to §§ 190.64–190.66) before the conclusion of the academic period for which the grant is made. However, an institution calculating an award under § 190.83(b) shall only pay that portion of the newly calculated award which is commensurate with that portion of the school year within the academic year spent at that institution.

(20 U.S.C. 1070a)

§ 190.86 Calculation and disbursement of awards by the Commissioner of Education.

(a) If a student enrolls in or transfers to an institution of higher education which has not entered into an agreement with the Commissioner pursuant to § 190.73, the student shall apply to the Commissioner for his Basic Educational Opportunity Grant award. The student shall provide the Commissioner with such information in such form as the Commissioner may from time to time prescribe.

(b) (1) The Commissioner will pay to a student his Basic Educational Opportunity Grant award computed in accordance with the relevant provisions of this part in equal amounts at least once each semester, trimester, or quarter for those institutions which utilize such academic units. (2) For those institutions not utilizing such academic periods, payments will be made in equal amounts not less than twice during that portion of the school year which falls within the academic year, with one payment to be made at the beginning and the other to be made at the midpoint of that portion of the school year which falls within the academic year; provided that if the portion of a school year which falls within the academic year is less than three months, only one payment need be made.

(20 U.S.C. 1070a)

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PART III

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

■

DESIGN APPROVAL AND ENVIRONMENTAL IMPACT

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

DESIGN APPROVAL AND ENVIRONMENTAL IMPACT

Regulations concerning Environmental Impact and Related Statements, Process Guidelines (for the Development of Environmental Action Plans), and Public Hearings and Location/Design Approval are hereby published and will appear in Title 23, Chapter I, Subchapter H of tne Code of Federal Regulations as Parts 771, 795 and 790 respectively.

A notice of proposed rulemaking was issued by the Administrator, Federal Highway Administration (FHWA) on October 29, 1973 (38 FR 30192, November 1, 1973). Advance notification of such proposal was given October 1, 1973 (38 FR 27233).

FHWA procedures for processing environmental impact and related statements have been revised in response to the Council on Environmental Quality (CEQ) Guidelines, 40 CFR Part 1500, and U.S. Department of Transportation (DOT) Order 5610.1B (39 FR 35234), and are being codified as 23 CFR Part 771. Volume 7, Chapter 7, section 2 of the Federal-Aid Highway Program Manual (i.e. former Policy and Procedure Memorandum (PPM) 90–1 (37 FR 21808)) is being revised accordingly. Part 771 also absorbs some of the requirements of 23 U.S.C. 128 and 109(h) dealing with the consideration of social, economic and environmental effects presently contained in 23 CFR Part 790.

The FHWA has recognized for some time that the location and design reports required by Part 790, which document the consideration of social, economic and environmental effects and engineering factors, to a large extent duplicate the information contained in environmental impact and related statements. The changes are designed to eliminate such duplication and unnecessary red tape. Under the new regulations, final clearance of an environmental impact statement or adoption of a negative declaration will be considered Federal acceptance of the general location of a highway section in those instances where the highway agency has adopted the revised provisions of the FHWA process guidelines for the development of environmental Action Plans. These provisions allow each highway agency to include its own public hearing procedures in its Action Plan subject to the requirements of the guidelines. The revised process guideline provisions are being incorporated and codified in an amended version of existing 23 CFR Part 795. The Federal-Aid Highway Program Manual is being revised accordingly.

The revisions to Part 795 provide highway agencies with sufficient flexibility so that they can use hearings more effectively as elements of a broader and more comprehensive program for involving the public in the planning and design of highway projects. In many cases the use of small, informal meetings and similar approaches to public involvement has proved to be more effective than public hearings; such methods often achieve more effective two-way communication and better resolve issues and differences of opinion. Under revised Part 795, public hearings are viewed as only one part of a comprehensive public involvement program. Each highway agency's hearing procedures will be reviewed by the FHWA and evaluated based upon the adequacy of the total program.

Once the highway agencies have revised their Action Plans to comply with the revised Part 795, the requirements of 23 CFR Part 790 (Public Hearings and Location/Design Approval) would be adequately handled in 23 CFR Parts 771 and 795 and in the Action Plans. Therefore, to consolidate overlapping procedures and minimize red tape, Part 790 has been revised to make it inapplicable when a revised Action Plan is being followed. The Federal-Aid Highway Program Manual is being revised accordingly. It is anticipated that these revisions will lead to the eventual revocation of Part 790.

The proposed nonregulatory criteria for evaluating public hearing procedures which were published as part of the notice of proposed rulemaking on November 1, 1973, have been reviewed and the major elements of these criteria have been incorporatd in the revised version of Part 795.

As a result of the notice of proposed rulemaking and coordination with the States, the FHWA received comments from thirty-seven State highway agencies, four Federal agencies and fourteen public organizations and individuals. Extensive coordination has also taken place within the DOT and FHWA. The comments have been reviewed and, as appropriate, incorporated into the regulations.

A number of comments concerned the proposed definition of a "major action" in Part 771. The comments ranged from concurrence to total disagreement. The proposed definition has been reviewed and modified taking into consideration the comments received. In addition, examples of actions which are ordinarily considered to be "major" and "nonmajor" are given in § 771.9. A number of public organizations and individuals suggested consideration of a single definition for a "major action significantly affecting the quality of the human environment" instead of separate definitions for "major action" and "significantly affecting the quality of the human environment." The CEQ Guidelines and judicial interpretations of the National Environmental Policy Act of 1969 (NEPA) recognize that a Federal action must be "major" and "significantly affect the quality of the human environment" before the NEPA applies. Sections 771.9 and 771.10 distinguish between those actions which are "major Federal actions significantly affecting the quality of the human environment" and those which are not. Based upon a suggestion that an environmental assessment be made on non-major as well as major actions, Part 771 was revised to indicate that highway sections would be developed in accordance with an approved Action Plan developed pursuant to Part 795. The purpose of the Action Plan is to assure that adequate consideration is given to social, economic and environmental effects in the development of proposed Federal-aid highway projects.

Combining the location and design report with the EIS was objected to on grounds that the EIS would then contain too much technical material and material prepared to justify a proposed action. The proposal has been retained since the goals of succinctness, brevity and objectivity consistent with the type of information to be conveyed remain applicable to EIS's processed under the new regulations.

It was stated that no consideration was given to ongoing projects developed in accordance with directives then in effect. It has been generally held, however, that NEPA must be applied to all Federal-aid highway projects unless construction has started. Therefore, it will be necessary to prepare an environmental impact statement, when required in accordance with Part 771, unless major grade and drain items have been authorized prior to the effective date of Part 771.

It was suggested that standardization of the size of the pages of an EIS should be eliminated. It is believed that the benefits to be derived from reduced difficulties and costs associated with the handling, storage and reproduction of statements justify standardization of the page size of the EIS.

Some of those commenting felt that the responsibility for preparation and circulation of the draft and final EIS should be assigned directly to the FHWA. The CEQ Guidelines, 49 CFR 1500.7(a), indicate that a Federal agency may rely on an applicant to submit initial environmental information as long as the agency makes its own evaluation of the environmental issues and takes responsibility for the scope and content of the draft and final EIS. Since the Federal-aid highway program is a cooperative one between the State and Federal Governments, draft and final statements are prepared in close coordination by the State and FHWA. The FHWA's responsibility for the scope and content of the EIS is clear.

Comments were received concerning a lack of guidance on the degree of completeness expected in an EIS and a failure to specifically identify the point at which the draft EIS is to be circulated. Although the relevancy of certain types of information will vary from statement to statement, § 771.18 indicates in detail the types of information which may be required. It is more in keeping with the purpose and intent of NEPA and the CEQ Guidelines to require preparation of a statement at the earliest possible time than to pinpoint any particular date. Generally the statement preparation begins during the location studies prior to public hearings.

It was stated that the definition of "highway section" was vague, unclear and unduly restrictive. The definition found in § 771.3(g) has been clarified and, at the same time, the provisions of § 771.5 have been expanded to provide additional guidance on determining an appropriate highway section.

It was suggested that the final EIS should accompany the proposal through the agency review process. In the Federal-aid highway program, the EIS is, in effect, the proposal. It was also suggested that when the FHWA is not the lead agency, a procedure should be established to assure that the impacts from its portion of the project are adequately covered. To the extent that an FHWA regulation can deal with the preparation of a statement by another agency, § 771.6 requires that the FHWA provide assistance and input with respect to its area of jurisdiction and expertise. Additional guidance is found in the CEQ Guidelines.

Comments suggested that the regulations should provide procedures for preparing EIS's on legislation, regulations, standard setting, research projects and the transportation planning process in urban areas. These regulations are designed to provide FHWA field offices guidance in the preparation of statements for Federal-aid projects. Various items listed above are functions that are carried out in the FHWA Washington Office for which the guidelines provided by DOT Order 5610.1B will be followed. The type of research in which the FHWA is involved does not restrict future alternatives. Therefore, if the research is developed, the environmental impact will be considered on a project-by-project basis. Section 134 of Title 23 of the United States Code sets forth the Federal interest in being assured that the State and local governments cooperatively engage in a continuing, comprehensive transportation planning process (the "3C" process) which will assure that the transportation system ultimately developed will serve all jurisdictions efficiently and effectively. The Secretary of Transportation is directed to "cooperate" in this process but he is not placed in control of the process. The Federal Government does not direct the adoption or take any part, either formally or informally, in the selection of any particular plan but merely reviews the planning process to assure that it is continuing, comprehensive and cooperatively undertaken. Various proposals included in a given plan may or may not ever surface in the form of Federal-aid projects.

With regard to negative declarations, it was stated, by some, that the regulations leave little, if any, opportunity for public involvement and, by others, that there was no need to publish a notice of availability for projects which do not require a public hearing notice. It is intended that public involvement in the negative declaration will be accomplished through the various measures included in each State's Action Plan including the public hearing process. Since it is critical that the public be aware of and be afforded the opportunity to review a negative declaration, the regulations provide that where there is no public hearing, notices are to be placed in the local newspapers advising the public of the availability of the document. It was also suggested that the provision allowing a draft EIS to be changed to a negative declaration should be eliminated. Just as the need may arise for preparing an EIS in lieu of a negative declaration, so the circulation of a draft EIS and the public hearing process may indicate that a proposal will not have a significant effect on the environment and will, therefore, not logically require the continued processing of an EIS.

The application of section 4(f) of the DOT Act to properties that were designated or become significant after the acquisition of right-of-way for a project was the subject of several comments. In such cases the properties would belong to the State highway agencies and could not be considered as section 4(f) lands. It should be noted that Federal funds will not be made available for right-of-way purchase until after the public hearing and EIS process is completed. This allows local agencies ample time to designate section 4(f) areas. Although the need for a section 4(f) statement may be obviated in these circumstances, it is clear that the FHWA and the States must still make every reasonable effort to minimize harm to the lands in question. Indeed these measures will already have been considered in the NEPA statement for the action.

Concern was expressed that the public hearing requirements were being "watered down" by allowing highway agencies to develop their own procedures, and various specific requirements were proposed for addition to the newspaper notices already required (e.g. requiring three public notices, etc.). Others expressed the view that too many detailed operating procedures would be included in the Action Plans. Detailed procedures are required in the public hearing area in order to apprise the public of its continued right to participate in the development of Federal-aid projects. Inclusion of these procedures in the Action Plans also assists in the minimization of red tape and gives the States flexibility while still maintaining a degree of administrative control over public hearings. The flexibility will permit the level of public involvement to be commensurate with the scale of the project and will allow each State to determine the type of involvement appropriate for that particular part of the country or State. The FHWA retains administrative control over the approval of the Action Plans and will review each State's implementation of its Plan at appropriate intervals.

Numerous editorial modifications and clarifications of these regulations have been made to reflect public comments and further coordination within DOT and FHWA.

Although substantive changes to Part 790 are limited to § 790.2, the entire part is being published herein in order to provide the public and interested Federal and State agencies an opportunity to acquaint themselves with the full range of measures designed to assure that adequate consideration is given to the social, economic and environmental effects of Federal-aid projects, and with the manner in which Parts 771, 795 and 790 are interrelated and mutually supportive.

Since the FHWA directives comprising Appendix A of Part 1 of Title 23 are being superseded by the revisions to the Program Manual referred to herein, it is appropriate to amend Title 23 by deleting Appendix A at this time.

The amendments to Title 23 published herein are issued under the authority of 23 U.S.C. 315 and the delegation of authority by the Secretary of Transportation in 49 CFR 1.48(b).

Effective date. The regulations and revisions to regulations published herein are substantially the same as those published for comment on November 1, 1973 (38 FR 30192), and consist of interpretative rules and statements of agency policy and procedure. It is highly desirable for the effective dates of Parts 771, 795 and 790 to conform to the relevant effective date set forth in DOT Order 5610.1B (39 FR 35234). In compliance with the provisions of 5 U.S.C. 553(d) (2) and (3), the regulations and revisions to regulations published herein become effective on November 29, 1974.

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

NORBERT T. TIEMANN,
Federal Highway Administrator.

1. Chapter I of Title 23 CFR is amended by adding a new part, Part 771—Environmental Impact and Related Statements, as follows:

PART 771—ENVIRONMENTAL IMPACT AND RELATED STATEMENTS

Sec.

771.1 Purpose.
771.2 Policy.
771.3 Definitions for use in this part.
771.4 Application.
771.5 Highway section processing.
771.6 Lead agency.
771.7 Use of consultants.
771.8 Highway section development and coordination.
771.9 Major and non-major actions.
771.10 Significant effect determination.
771.11 Negative declarations.
771.12 Draft environmental impact statement processing.
771.13 Responsibilities of commenting entities.
771.14 Final environmental impact statement processing.
771.15 Supplemental statements.
771.16 Emergency action procedures.
771.17 Maintaining lists of actions.
771.18 Content of the environmental impact statement.
771.19 Section 4(f) statements.
771.20 Historic and cultural preservation procedures.
771.21 Other agency statements.

AUTHORITY: (42 U.S.C. 4332(2)(C), 49 U.S.C. 1653(f), 23 U.S.C. 138, 16 U.S.C. 470(f), 42 U.S.C. 1857h-7, 16 U.S.C. 662(a), 23 U.S.C. 128, 16 U.S.C. 1301, 23 U.S.C. 315), 40 CFR 1500, and 49 CFR 1.48(b).

§ 771.1 Purpose.

To promulgate guidelines and regulations for the preparation and processing of environmental impact and related statements.

§ 771.2 Policy.

It is the policy of the Federal Highway Administration that in the development of a project a systematic interdisciplinary approach be used to assess engineering considerations and beneficial and adverse social, economic, environmental, and other effects; that efforts be made in developing projects to improve the relationship between man and his environment and to preserve the natural beauty of the countryside and natural and cultural resources; that project development involve consultation with local, State and Federal agencies, and the public; that decisions be made in the best overall public interest based upon a balanced consideration of the need for fast, safe, and efficient transportation, public services, and social, economic and environmental effects, and national environmental goals.

§ 771.3 Definitions for use in this part.

(a) An "action" is the construction or reconstruction, including associated activities, of a highway section.

(b) A "major action" is an action of superior, large and considerable importance, involving substantial planning, time, resources or expenditures (§ 771.9(d) includes examples).

(c) A "Federal action (FHWA action)" is the participation with funds administered by FHWA in the construction or reconstruction, including associated activities, of all or a portion of a highway section. It also includes FHWA approvals of associated activities such as joint and multiple use permits, changes in access control, etc., which do not ordinarily involve a commitment of Federal funds.

(d) An action "significantly affecting the quality of the human environment" is an action in which the overall cumulative primary and secondary consequences significantly alter the quality of the human environment, curtail the choices of beneficial uses of the human environment, or interfere with the attainment of long-range human environmental goals (§ 771.10(e) includes examples).

(e) The "human environment" is the aggregate of all external conditions and influences (esthetic, ecological, cultural, social, economic, historical, etc.) that affect human life.

(f) The "highway agency (HA)" is the agency with primary responsibility for initiating and carrying forward the action. For highway sections financed with Federal-aid highway funds, the HA will normally be the appropriate State, county or city highway agency. For highway sections financed with other funds, such as forest highways, park roads, etc., the HA will be the appropriate Federal or State agency with the primary responsibility for initiating and carrying forward the action.

(g) A "highway section" is a highway development proposal between logical termini (population centers, major traffic generators, major crossroads, etc.) as normally included in a location study or multiyear highway improvement program.

(h) A "section 4(f) statement" is a supporting document for a determination required by section 4(f) of the Department of Transportation Act, as amended, 49 U.S.C. 1653(f) and 23 U.S.C. 138.

(i) A "draft environmental impact statement (draft EIS)" is a document which contains an assessment of the significant effects a major action will have upon the quality of the human environment.

(j) A "final environmental impact statement (final EIS)" is the detailed statement on a major action which significantly affects the quality of the human environment, as required by section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332 (2)(C). It contains the same supporting information required in the draft EIS with appropriate revisions to reflect comments received from circulation of the draft EIS and the public hearing process.

(k) A "negative declaration" is a document supporting a determination that a proposed major action will not have a significant impact upon the quality of the human environment of a magnitude to require the processing of an EIS.

§ 771.4 Application.

(a) The provisions of this part should apply to each major action which is an FHWA action, including those being implemented under "Certification Acceptance" approved pursuant to 23 U.S.C. 117, except as set forth in paragraphs (b), (c), and (d) of this section.

(b) The provisions of this part do not apply to or in any way affect or alter decisions, approvals, or authorizations which were given by the FHWA pursuant to directives then in effect nor do they apply or in any way affect final EIS's submitted to the Council on Environmental Quality (CEQ) or negative declarations which have been adopted by the FHWA Division Engineer as of the effective date of this part.

(c) The provisions of this part do not apply to project authorizations or approvals where major grade and drain items have been authorized prior to the effective date of this part based on the environmental reassessment procedure established by either paragraphs 5b and 5c of former Policy and Procedure Memorandum 90–1, dated September 7, 1972, 37 FR 21809, or the National Wildlife Federation consent judgment, 38 FR 20359.

(d) The provisions of this part apply only to those actions over which the FHWA exercises sufficient control and responsibility to alter the development being planned.

§ 771.5 Highway section processing.

(a) A highway section should be as long as practicable to permit consideration of environmental matters on a broad scope and meaningful evaluation of alternatives. A highway section may include, when appropriate, completed as well as uncompleted portions of the highway and one or more future highway projects. Piecemealing proposed highway improvements in separate EIS's is to be avoided. The highway section identified in the EIS or negative declaration should include the total length of highway between logical termini even though only a short length of the total identified highway section is proposed for construction or reconstruction within the multiyear work program. The EIS or negative declaration should clearly identify the length or segment of the total highway section that is proposed for improvement and furnish any available information concerning long-range possibilities for future improvements within the highway section. Environmental impacts identified and discussed in the EIS will ordinarily be those anticipated to be precipitated by the proposed construction, but will also, as pertinent, include impacts associated with the total highway section. For instance, completing a gap in a highway may substantially increase traffic volumes, change traffic patterns or improve access to an area creating a need to include a discussion of impacts related to the entire highway section.

(b) In the development of the highway section, the negative declaration or EIS and section 4(f) statements and required processing under 16 U.S.C. 470(f) shall be completed during the location stage, prior to the selection of a particular location; except for those highway sections to which this part applies that had received location approval prior to the effective date of this part.

(c) When public hearing opportunities are to be afforded, the draft negative declaration or draft EIS shall be prepared prior to the first public hearing, or hearing opportunity on the location of the highway section, and the negative declaration or EIS finalized after the public hearing.

(d) The HA shall furnish the FHWA Division Engineer with a transcript of the hearing, if held, and the certifications required by 23 U.S.C. 128 prior to or with the final EIS or final negative declaration.

(e) For major actions the HA shall not proceed with the design of the proposed alternative (other than such design work necessary to make engineering and environmental decisions), right-of-way acquisition (other than bonafide hardship cases and protective buying), or construction until notified in writing by the FHWA that: (1) the negative declaration has been adopted, or (2) at least 90 days have elapsed since the draft EIS was circulated for comment and furnished to CEQ, and at least 30 days have elapsed since the final EIS was made available to CEQ, commenting agencies and the public.

(f) For those HA's operating under an approved Action Plan which contains adequate public hearing procedures the notification noted in paragraph (e) of this section is considered the FHWA acceptance of the public hearing transcript and certifications required by 23 U.S.C. 128 when these have been submitted to FHWA. Such notification is also considered FHWA acceptance of the general location of the highway section.

(g) For those non-major actions which require a public hearing opportunity, but do not require either an EIS or negative declaration, the HA shall not proceed with those activities noted in paragraph (e) of this section until notified by FHWA that the appropriate reports, transcripts and certifications required by 23 U.S.C. 128 have been received and accepted. Such notification is also considered FHWA acceptance of the general location of the highway section.

§ 771.6 Lead agency.

When more than one Federal agency directly sponsors an action, or is directly involved in an action through funding, licenses, or permits, or is involved in a group of actions directly related because of functional interdependence and geographical proximity, consideration should be given to preparing one statement for all the actions involved. Agencies in such cases should consider the designation of a single "lead agency" to assume supervisory responsibility for preparation of a joint statement. Where a lead agency prepares the statement, the other agencies involved should be consulted early regarding plans for preparing the draft EIS and requested to provide assistance with respect to their areas of jurisdiction and expertise. The statement should contain an evaluation of the full range of all actions involved, and should reflect the views of all participating agencies. It also should be prepared before any major or irreversible actions have been taken by any of the participating agencies. Some relevant factors in determining an appropriate lead agency are: land ownership, the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their expertise with respect to the project's environmental effects.

§ 771.7 Use of consultants.

(a) Consultants may be utilized in preparing all types of environmental studies and reports. The responsibility for formulating all conclusions and determinations involved in the environmental decisions shall remain with the HA and FHWA.

(b) Work by consultants on environmental studies and reports leading to a project decision should be carefully reviewed to insure that complete and objective consideration is given to all relevant project impacts and alternatives. This is particularly important when the same consultants may be involved in subsequent phases of the highway section development.

§ 771.8 Highway section development and coordination.

(a) The regulations on Process Guidelines (23 CFR Part 795) call on each HA to develop an Action Plan to assure that adequate consideration is given to possible social, economic and environmental effects of proposed Federal-aid highway projects and that the decision on such projects are made in the best overall public interest. Each Action Plan is to describe the organization to be utilized and the process to be followed in the development of Federal-aid highway projects, including: (1) The identification of social, economic and environmental effects.

(2) Consideration of alternative courses of action.

(3) Involvement of other agencies and the public.

(4) Utilization of a systematic interdisciplinary approach.

(b) The environmental effects identified during the development and coordination of the proposal in accordance with the Action Plan will assist the HA and FHWA in making a decision on the type of environmental processing (EIS or negative declaration) to be followed on the project.

(c) Initial coordination with appropriate local, State and Federal agencies should be accomplished during the early stages to assist in identifying natural and cultural areas of significance and agency concerns. Existing procedures, including those established under the revised Office of Management and Budget (OMB) Circular A–95, shall be used to the greatest extent practicable to accomplish this early coordination.

(d) The identification and evaluation of potential social, economic and environmental effects of the highway section and identification of possible measures to minimize harm should be initiated early in the highway studies and considered along with engineering and safety factors throughout the development of the highway section.

(e) The HA and FHWA should identify and evaluate alternative measures to reduce or eliminate adverse impacts during the development and coordination phase of the highway studies. The level of identification and consideration should be consistent with the stage and depth of the study and other factors being evaluated.

§ 771.9 Major and non-major actions.

(a) Section 102(2)(C) of the National Environmental Policy Act (NEPA) applies only to "Federal" actions which are "major."[1]

(b) The HA, after consultation with the FHWA Division Engineer, shall recommend the classification of the action (major/non-major) for those highway sections for which participation with Federal-aid highway funds is anticipated. The FHWA Division Engineer, after a review of the recommendations and supporting data, may concur in the HA's determination or return it for additional information and consideration.

(c) A major action which is an FHWA action will require either an EIS or negative declaration. A non-major action which is an FHWA action will not require an EIS or a negative declaration.

(d) Major actions are those of superior, large and considerable importance involving substantial planning, time, resources or expenditures. Any action that is likely to precipitate significant foreseeable alterations in land use; planned growth; development patterns; traffic volumes; travel patterns; transportation services, including public transportation; and natural and manmade resources would be considered a major action. The following are examples of types of actions which are ordinarily considered to be major actions:

(1) A new freeway or expressway.

(2) A highway which provides new access to an area and is likely to precipitate significant changes in land use or development patterns.

(3) A new or reconstructed arterial highway which provides substantially improved access to an area and is likely to precipitate significant changes in land use or development patterns.

(4) A new circumferential or belt highway which bypasses a community.

(5) A highway which provides new access to areas containing significant amounts of exploitable natural resources.

(6) Added interchanges to a completed freeway or expressway which provide new or substantially improved access to an area and are likely to precipitate significant changes in land use or development patterns.

(7) A project that warrants a "major action" classification because it has been given national recognition by Congress even though it is not included in the above list. Such a project would be one that falls under section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act.

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[1] Council on Environmental Quality, Guidelines for Preparation of Environmental Impact Statements, 40 CFR 1500.6(c), 38 FR 20550.

(e) The following are examples of types of actions which are ordinarily considered to be non-major actions:

(1) Construction of a new rural two-lane highway which does not provide new access to an area and which would not be likely to precipitate significant changes in land use or development patterns.

(2) Modernization of an existing highway by resurfacing, widening less than a single lane width, adding shoulders, adding auxiliary lanes for localized purposes (weaving, climbing, speed changes, etc.), and correcting substandard curves and intersections.

(3) Lighting, signing, pavement marking, signalization, freeway surveillance and control systems, and railroad protective devices.

(4) Safety projects such as grooving, glare screen, safety barriers, energy attenuators, etc.

(5) Reconstruction of existing crossroad or railroad separations and existing stream crossings.

(6) Highway landscaping and rest area projects.

(7) Construction of bus shelters and bays.

(8) Alterations to existing buildings to provide for noise attenuation and installation of noise barriers.

(9) Temporary replacement of a highway facility which is commenced immediately after the occurrence of a natural disaster or catastrophic failure to restore the highway for the health, welfare, and safety of the public.

(10) Approval of utility installations along or across a highway or approval of grade separated crossings of highways by railroads or highways.

(11) Approval of the Annual Highway Safety Work Program involving the highway-related safety standards pursuant to 23 U.S.C. 402.

(f) There will be highway sections which are not readily classified as major or non-major actions. There will also be those highway sections which may normally be classified as non-major actions, but for which the FHWA Division Engineer may feel special consideration is appropriate. For such highway sections, the FHWA Division Engineer may, when deemed appropriate, classify them as major actions or use the following procedure to assist in the major or non-major determination.

(1) At the request of the FHWA Division Engineer, the HA shall publish a notice in the local newspaper(s) and a newspaper in the State capitol inviting the public to submit comments to the FHWA Division Engineer for his use in making a major/non-major action determination. The notice shall:

(i) allow a minimum of 30 days for comment.

(ii) Furnish a description of the proposed action.

(iii) Furnish the name and address of the person or office responsible for supplying information about the proposed action and the FHWA Division Engineer's name and address where comments are to be sent.

(iv) Indicate that the FHWA Division Engineer will be evaluating the significance of the anticipated changes in land use; planned growth; development patterns; traffic volumes; travel patterns; transportation service, including public transportation; and natural and manmade resources.

(v) Indicate that the public will be advised of the decision by subsequent notice in the same newspapers.

(2) The FHWA Division Engineer shall make a written determination based upon all available information, including comments received from the public.

(3) The HA shall publish the FHWA Division Engineer's determination as soon as practical in the same newspapers as the original notice.

§ 771.10 Significant effect determination.

(a) Section 102(2)(C) of the NEPA requires preparation and processing of an environmental impact statement for major Federal actions "significantly affecting the quality of the human environment." For a highway section which is determined to be a major FHWA action, the HA, after consultation with the FHWA Division Engineer, shall make a recommendation on the significance of the action on the quality of the human environment and recommend the processing procedure (EIS or negative declaration). In evaluating the significance, the changes which may be caused by the action and the importance and scale of those changes are to be considered. The FHWA Division Engineer, after review of the recommendation and supporting data, shall concur in the recommendation or return it to the HA for additional supporting information and consideration.

(b) The information developed during the highway section studies, other available information and the consultation and coordination with the public and governmental agencies shall be the basis for determining the need for an EIS.

(c) An EIS is required for major Federal actions which are anticipated to have a significant effect on the quality of the human environment.

(d) A negative declaration is required for all major Federal actions for which an EIS is not prepared.

(e) The following are examples of types of actions which ordinarily have a significant effect on the quality of the human environment.

(1) An action that has more than minimal effect on properties protected under section 4(f) of the DOT Act or section 106 of the Historic Preservation Act.

(2) An action that is likely to be highly controversial on environmental grounds or with respect to the availability of adequate relocation housing.

(3) An action that is likely to have a significantly adverse impact on natural, ecological, cultural or scenic resources of national, State or local significance.

(4) An action that (i) causes significant division or disruption of an established community or disrupts orderly, planned development, or is determined to be significantly inconsistent with plans or goals that have been adopted by the community in which the project is located, as determined by a responsible official(s); or (ii) causes a significant increase in traffic congestion.

(5) An action which (i) is determined to be inconsistent with any Federal, State or local law or regulation relating to the environment; or (ii) has a significant detrimental impact on air or water quality or on ambient noise levels for adjoining areas; or (iii) may contaminate a public water supply system.

§ 771.11 Negative declarations.

(a) A draft negative declaration shall be prepared by the HA in consultation with FHWA for each major action which is a Federal action when the studies and coordination demonstrate that implementing the proposed action will not have a significant impact upon the quality of the human environment of a magnitude to require the processing of an EIS.

(b) A draft negative declaration is a written document which records the determination that implementing the proposed action will not have a significant effect upon the quality of the human environment. The negative declaration is to include pertinent information about the highway section such as:

(1) A description of the proposed action, need for the action, alternatives considered, and bases for the recommendation that the proposed action is not anticipated to have a significant impact upon the quality of the human environment.

(2) The social, economic, environmental and other effects considered.

(3) Map(s) showing the alternative(s).

(4) Other comparative data, such as costs, transportation requirements, engineering factors, etc.

(5) A discussion of the issues and comments received from other agencies, organizations and the public during the highway section development and coordination.

(c) A draft negative declaration need not be circulated for comment, but its public availability shall be included in the notice of the public hearing or opportunity for public hearing.

(d) When a public hearing notice is not required, the HA shall place a notice in a local newspaper(s), similar to a public hearing notice and at a similar stage of development, advising the public of the availability of a draft negative declaration and where to obtain information concerning the undertaking. Those opposing the processing of a highway section with a negative declaration or those disagreeing with the basis of the determination set forth in the draft negative declaration shall be invited to furnish written comments to the HA or the FHWA summarizing the specific, substantive and factual basis for such opposition. Such comments are to be furnished to the HA or FHWA within 30 days of the notice in the newspaper.

(e) The final negative declaration shall include a summary and disposition of the

public hearing comments on the social, economic, environmental, and other effects of the proposed action, including alternatives raised at the public hearing.

(f) The FHWA Division Engineer, after a review of the final negative declaration and an examination of the social, economic and environmental issues, shall, if in agreement, indicate FHWA adoption of the determination by signing and dating.

(g) The HA and FHWA shall prepare and process a draft EIS in lieu of a negative declaration if significant impacts are identified prior to finalizing the negative declaration or at a subsequent time. It would not be necessary in such instance to hold a public hearing for the sole purpose of presenting the draft EIS. Circulation of the draft EIS affords the public and governmental agencies an opportunity to express their views on the anticipated environmental impacts should the proposed action be implemented.

(h) The negative declaration shall be reevaluated by the HA and FHWA periodically, and in all cases prior to proceeding with major project activities, for the purpose of determining whether there has been a substantial change in the social, economic and environmental effects of the proposed action. If there are substantial changes in the proposed action that would significantly affect the quality of the human environment, draft and final EIS's shall be prepared and processed in accordance with this part.

§ 771.12 Draft environmental impact statement processing.

(a) The draft EIS shall be prepared by the HA in consultation with the FHWA for major actions which are Federal actions and which significantly affect the quality of the human environment. The administrative record should include evidence of the FHWA involvement in the development of the EIS, particularly the consultations with the HA on environmental determinations, decisions or conclusions.

(b) The FHWA Division Engineer shall review the draft EIS and if in agreement with the scope and content, take responsibility for the draft EIS by signing and dating the title page before it is released for comment.

(c) The draft EIS shall be circulated by the HA on behalf of FHWA for comment and made available to the public at least 30 days before the public hearing and no later than the publication of first notice for the hearing or opportunity therefor.

(d) The FHWA Division Engineer is responsible for distributing copies of the draft EIS to the FHWA Regional Office and to the following:

(1) FHWA Washington Headquarters (Office of Environmental Policy, HEV-10)—5 copies.

(2) Council on Environmental Quality (CEQ), 722 Jackson Place, NW., Washington, D.C. 20006—5 copies.

(e) The FHWA Division Engineer should indicate in the transmittal memorandum to the Washington Headquarters Office (HEV-10) his recommendation with respect to whether the final EIS may require prior concurrence from the Washington Headquarters Office (see § 771.14(c)).

(f) Private groups and individuals, and governmental agencies which are furnished copies of the draft EIS by the HA shall be given a minimum of 45 days to review the statement and return comments. A calendar date for return of comments should be included in the letter transmitting the draft EIS for review. In establishing the calendar date (or other review period), a reasonable number of days should be added to the 45 days to allow for internal HA mail handling and for the draft EIS to reach the recipient.

(g) The Council on Environmental Quality publishes in the FEDERAL REGISTER each Friday a listing of all draft EIS's received Monday through Friday of the week before the publication date. The FEDERAL REGISTER notice will establish a 45-day period (beginning with the date of the publication in the FEDERAL REGISTER) for the return of comments from those not directly furnished a copy by the HA or FHWA.

(h) The HA shall circulate the draft EIS for review and comment to: Federal, State and local agencies with jurisdiction by law and special expertise with respect to any environmental impact involved; the State and area-wide clearinghouse; and the affected city or county. The Federal and Federal-State agencies and their relevant areas of expertise are identified in Appendix II of the CEQ Guidelines (40 CFR Part 1500). The clearinghouses may be used, by mutual agreement, for securing State and local agency reviews of the draft EIS and furnishing copies to the affected city or county. In some cases, the Governor may have designated a specific agency, other than the clearinghouse, for securing reviews of EIS's.

(i) The HA shall also circulate copies of the draft EIS to public and private organizations and individuals with special expertise with respect to the environmental impact involved, those which are known to have an interest in the highway section, and those who request an opportunity to comment.

(j) The transmittal letter to commenting entities shall indicate (1) the calendar date comments are due (see paragraph (f) of this section), (2) where to send comments, and (3) that the final EIS will be furnished those who request a copy at the time they comment on the draft EIS.

(k) The initial printing of the draft EIS shall be of sufficient quantity to meet requests for copies which can be reasonably expected from agencies, organizations and individuals. Copies are to be furnished free of charge unless the FHWA Division Engineer concludes that a fee which is not more than the actual printing cost should be charged. The HA shall inform the FHWA of requests for draft EIS's which it is unable to fill. The FHWA Division Engineer may ask the HA to furnish a copy of the statement free of charge or he may offer a copy of the statement at a fee which is not more than the actual printing or reproduction cost, and at the same time direct the party to the nearest location where the party may review the statement. In making his decision, the FHWA Division Engineer will consider the following: (1) The party's need for an individual copy of the statement.

(2) The supply of statements remaining from the initial printing.

(3) The amount of time remaining before the anticipated completion of the final EIS.

(4) Any other pertinent information.

(l) The draft EIS shall be available for review by the public at the HA headquarters and appropriate field offices, and FHWA Division, Regional and Headquarters Offices, and at any public hearing. A copy(s) should also be made available, as appropriate, to public institutions such as local governments, public libraries and schools to permit them to make it available for public review.

(m) The availability of the draft EIS shall be included in the public hearing notice.

(n) Circulation of the draft EIS affords the public and governmental agencies opportunity to express their views on the anticipated environmental impact should the proposed action be implemented. Therefore, a public hearing or public meeting will not ordinarily be required for the sole purpose of presenting and receiving comments on a draft EIS. When a hearing is not held where the draft EIS may be discussed, a notice shall be placed in the newspaper similar to the public hearing notice advising where the draft EIS is available for review, how copies may be obtained, and where comments should be sent.

(o) The draft EIS shall, if necessary, be revised unless the final EIS is submitted to FHWA for adoption within 3 years from the date the draft EIS was circulated. If the draft EIS is revised, it shall also be recirculated for comment. Such recirculation shall be in the same manner as an original draft EIS.

(p) With the concurrence of the FHWA Division Engineer, a draft EIS may be changed to a negative declaration if the review process and public hearing comments indicate the anticipated environmental impacts are not considered significant. All agencies and individuals that received copies or commented on the draft statement must be informed by the HA that a negative declaration was substituted for the draft EIS and given a brief explanation of the reason therefor.

§ 771.13 Responsibilities of commenting entities.

(a) Agencies and members of the public with expertise in any of the identified environmental impacts or who have an interest in the proposed action should submit comments on proposed actions on the basis of draft environmental statements and should endeavor to make their comments as specific, sub-

stantive, and factual as possible without undue attention to matters of form in the impact statement. Although the comments need not conform to any particular format, it will assist those reviewing comments if the comments are organized in a manner consistent with the structure of the draft statement. Emphasis should be placed on the assessment of the environmental impacts of the proposed action, and the acceptability of those impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives to the action. Commenting entities may recommend modifications to the proposed action and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impacts.

(b) Comments which are received after the alloted time, but before the final EIS is forwarded to the Regional Federal Highway Administrator, are to be appended to the final EIS, where practicable, with an explanation that the comments were received later and are not evaluated in the final EIS.

§ 771.14 Final environmental impact statement processing.

(a) A final EIS shall be prepared by the HA in consultation with FHWA for major FHWA actions which significantly affect the quality of the human environment.

(b) The Regional Federal Highway Administrator shall review the final EIS, including the comments and the evaluations of comments attached thereto, before processing the statement. Appropriate members of the FHWA Regional Office staff, such as engineering, environmental design, right-of-way, civil rights, etc., should be an integral part of the review process. The final EIS shall also be reviewed for legal sufficiency by the FHWA Chief Counsel or his designee. When the Regional Federal Highway Administrator is satisfied with the scope, content and the identification and evaluation of potential significant environmental impacts affecting the quality of human environment, the final EIS shall be processed in the manner specified by paragraphs (c) through (e) of this section.

(c) The Regional Federal Highway Administrator shall submit to the FHWA Washington Headquarters Office (HEV-10) for prior concurrence four (4) copies of the final EIS prepared for highway sections in the following categories:

(1) Highway sections on a new alignment in a metropolitan area of over 100,000 population. The metropolitan area is defined as the area designated for the purposes of section 134 transportation planning.

(2) Any new controlled access freeway.

(3) Highway sections to which a Federal, State or local governmental agency has expressed opposition on environmental grounds.

(4) Highway sections for which the Federal Highway Administrator requests the Regional Administrator to send the final EIS to the Washington Headquarters Office for review either by the Assistant Secretary for Environment, Safety and Consumer Affairs or by the FHWA Headquarters Office.

(5) Highway sections which would require a section 4(f) determination.

(d) For those final EIS's which require prior concurrence, the FHWA Washington Headquarters Office will notify the Regional Federal Highway Administrator when he may release the final EIS to the public and CEQ, at which time the Regional Federal Highway Administrator will adopt and sign the final EIS and insure that the following distribution is made:

(1) Council on Environmental Quality, 772 Jackson Place, NW., Washington, D.C. 20006—(5 copies).

(2) Regional Administrator, U.S. Environmental Protection Agency.

(3) State and area-wide clearinghouse.

(4) Agencies, organizations and individuals who made substantive comments on the draft EIS and who requested a copy of the final EIS.

(e) For those final EIS's which do not require prior concurrence, the Regional Federal Highway Administrator may adopt and sign the final EIS after the Regional Office review is completed. He shall then insure that it is distributed to the Washington Headquarters Office (2 copies) and to those noted in paragraph (d) of this section.

(f) Copies of the final EIS should be furnished free of charge to the fullest extent practicable or at a fee which is not more than the actual printing or reproduction cost (See § 771.12(k)).

(g) In limited situations where an EIS is voluminous and the number of comments on a draft EIS is such that distribution of the final EIS to all commenting entities appears impracticable, alternative arrangements for the distribution of the statement may be considered. Where the commenting entities' interest in specific areas can be identified, the alternative arrangements may be the distribution of those sections of the EIS that deal with their specific interests or areas of concern; summaries of those sections noted above; or the response to the comment which is included in the final EIS (see § 771.18(o)(5)).

(h) The final EIS shall be available for public review at the HA headquarters and appropriate field offices, and the FHWA Washington Headquarters, Regional and Division Offices. A copy(s) should also be made available, as appropriate, to public institutions, such as local governments, public libraries and schools to permit them to make it available for public review.

(i) The final EIS shall be reevaluated by the HA and the FHWA prior to proceeding with major project activities for the purpose of determining whether there has been a substantial change in the social, economic and environmental effects of the proposed action. If there are substantial changes in the proposed action that would significantly affect the quality of the human environment, a supplemental statement shall be prepared.

§ 771.15 Supplemental statements.

A draft EIS or final EIS may be supplemented at any time. Supplements will be necessary when substantial changes are made in the proposed action that will introduce a new or changed environmental effect of significance to the quality of the human environment or significant new information becomes available concerning the action's environmental aspects. The decision to prepare and process a supplement to the final EIS shall not void or alter FHWA approval actions given prior to the decision, or void or alter previously authorized development of the highway section not directly affected by the changed condition or new information. A supplement is to be processed in the same manner as a new EIS (draft and final).

§ 771.16 Emergency action procedures.

(a) The Council on Environmental Quality (CEQ) Guidelines, 40 CFR 1500.11(e), allow modification of requirements in a national emergency, a disaster, a catastrophic failure or similar situations of great urgency. The processing times may be reduced or, if the emergency situation warrants, preparation and processing of a statement may be abbreviated. Such procedural changes should be requested from the FHWA Washington Headquarters only for those major actions where the need for immediate action requires processing in other than a normal manner. The disruption of the area economy, social consequences or the health and safety of the public may justify immediate replacement of a damaged highway facility.

(b) When a determination has been made that a project is a major action the HA and FHWA Division Engineer should be guided by the nature of the replacement, the extent of the disturbance to the landscape, comments received from local agencies contacted, and the relationship between the critical nature of the emergency and any significant anticipated environmental impacts in judging the appropriateness of a negative declaration.

(c) The HA and FHWA Division Engineer may determine that several major actions (projects) in the damaged area qualify for a negative declaration. In such instances, they may be listed in a single negative declaration. The negative declaration should be referenced or a copy included in each project file.

§ 771.17 Maintaining lists of actions.

(a) The FHWA Division Engineer shall maintain two lists of actions on which the HA and FHWA have reached agreement on the type of environmental processing (EIS or negative declaration). One list should contain major actions significantly affecting the quality of the human environment for which draft EIS's are being prepared and the other should include major actions for which draft negative declarations are being prepared.

(b) The lists should be updated at the end of each calendar quarter and four copies forwarded to the Washington Headquarters Office. These lists shall be prepared on 8 x 10½-inch paper and shall be headed as follows:

State _____ Type of List (draft EIS or negative declaration)

State Route No.	City or county	Description of the termini (do not use stationing)	Brief description of work anticipated

(c) A change in the environmental processing from EIS to negative declaration or negative declaration to EIS shall be footnoted in the next subsequent listing. The highway section may be removed from the next listing when the draft EIS is circulated for comment, the final negative declaration has been adopted by the FHWA Division Engineer, or the action has been abandoned or cancelled.

(d) These lists shall be available for public inspection and copying at the FHWA Washington Headquarters, Regional and Division Offices.

§ 771.13 Content of the environmental impact statement.

(a) *General.* Every effort shall be made to convey the required information in a form easily understood by those expected to comment upon the draft EIS. Substance of the information conveyed rather than the length or detail of the statement should be stressed. Succinctness and brevity, consistent with the scale and impact of the proposed action and the information to be transmitted, should be the aim of those preparing the EIS. For example, all the sections outlined in paragraphs (g) through (m) of this section are not required if the information is adequately covered in another section.

(b) *Reports and studies.* The EIS should briefly summarize and reference in the text underlying studies, reports and other information considered in preparing the statement. Referenced reports should be those readily available to commenting entities upon request or as a minimum available for review and copying at a convenient location. If supporting documents are appended to the statement, care is to be taken to insure that the statement is self-contained without the need for undue cross reference. The level of the summary should be commensurate with the scale of the proposed action and the impact.

(c) *Standard size.* The statements shall be printed on paper approximately 8½ x 11 inches and the maps, drawings, illustrations, etc., should be folded for assembly to the same size. Sheets wider than 8½ inches should be folded so as to open to the right with identification added or showing at the right edge.

(d) *Title page.* Each environmental statement (draft or final) shall have a title page headed as follows:

Report Number: _____

_____

(Route, Termini, County, City, etc.)
ADMINISTRATIVE ACTION
DRAFT (FINAL)

ENVIRONMENTAL IMPACT STATEMENT
U.S. DEPARTMENT OF TRANSPORTATION
Federal Highway Administration
and
(optional)

_____

Appropriate highway agency
Submitted pursuant to 42 U.S.C. 4332(2)(C), 23 U.S.C. 128(a) and (when applicable) 49 U.S.C. 1653(f) and 16 U.S.C. 470(f)

_____ _____
Date Signature and title of appropriate FHWA official

(e) *Report number.* The number placed at the top left-hand corner of the title page on all draft and final environmental statements is as follows:

FHWA-AZ-EIS-74-01-D(F)(S)

FHWA—Name of Federal Agency.
AZ—Name of State (cannot exceed four characters).
EIS—Environmental impact statement.
74—Year draft statement was prepared.
01—Sequential number of draft statement for each calendar year.
D—designates the statement as the draft statement.
F—designates the statement as the final statement.
S—designates supplemental statement.
DS-2—designates second draft supplemental statement.

(f) *Summary.* The summary should contain the following information:

(1) Check appropriate box(es):

Federal Highway Administration Administrative Action Environmental Statement
☐ Draft ☐ Final
☐ Section 4(f) Statement attached.

(2) The names, addresses and telephone numbers of the individuals at the HA and FHWA who can be contacted for additional information concerning the proposal and statement.

(3) Brief description of the proposed FHWA action indicating route, termini, type of highway, number of lanes, length, county, city, State, etc., as appropriate. Also list other proposed Federal actions in the area, if any, which are in the statement.

(4) Summary of environmental impacts, both beneficial and adverse.

(5) Summarize major alternatives considered.

(6) List of all commenting entities from which comments are being requested (draft EIS), list of all commenting entities from which comments have been requested, and identify those that submitted comments (final EIS).

(7) For final statements, the date the draft statement was mailed to CEQ.

(g) *Description of the proposed action and alternatives considered, and the social, economic and environmental context.* This section is to include, in summary form, information such as the following listing concerning the basis for the proposed action, highway and traffic engineering factors, features to reduce or eliminate adverse environmental impacts, estimated highway costs, anticipated traffic and region benefits (traffic associated), public services, and existing significant land uses and natural and cultural features in the study area.

(1) Location, type facility and length (new and existing alignment).

(2) Traffic data and number of lanes.

(3) Predominant right-of-way width and access control (existing and proposed.

(4) Other major design features such as the general horizontal and vertical alignment and the location of interchanges, separation structures, at-grade intersections, river crossings, etc.

(5) Deficiencies of the existing facilities and the planning basis for the proposed action, including anticipated benefits to the State, region and community, and the relationship between this highway section and the total transportation requirements for the area.

(6) Anticipated safety benefits or lack thereof if project is not built.

(7) Summary of any technical, social and economic studies made during the development of the proposed action.

(8) The current status of the proposal with a brief historical résumé and an estimate of when the proposal may be constructed.

(9) A general description of the surrounding terrain.

(10) Inventory of pertinent economic factors such as employment, taxes, property value, etc.

(11) Surrounding natural and cultural features such as towns, lakes, streams, mountains, historic sites, landmarks, institutions, developed areas, principal roads and highways, and similar features that are pertinent to the study.

(12) General description of the surrounding neighborhoods including population and growth characteristics, and ethnic composition.

(13) Vicinity and detailed maps, sketches, pictures, layouts and other visual exhibits should be used to show specific involvement in order to give a layman reviewer a reasonable understanding of the impact.

(14) Public facilities and services, including religious, health and educational facilities, and public utilities, fire protection and other emergency services.

(15) Esthetic and other values, including visual quality such as: "view of the road" and the joint development and multiple use of space.

(h) *Land use planning.* This section should describe the scope and status of the planning process for the area and should discuss the relationship between the proposed action and land use and public facility plans, policies and controls as have been promulgated by the affected community. Existing and proposed land use (a map preferable) including, where applicable, other proposed Federal actions in the area affected should also be discussed. Where conflicts or inconsistencies exist, this section should de-

scribe the extent of reconciliation and the reason for proceeding notwithstanding the absence of full reconciliation.

(i) *The probable impact of the proposed action on the environment.* This section is to describe the significant beneficial and detrimental environmental consequences anticipated if the proposed action is implemented. The level of importance of environmental factors and the level of the impact will vary with the nature, scale and location of the proposed action. For example, impact on the nesting grounds of an endangered species would be significant while a similar impact on the nesting grounds of a species which is in abundance may not be significant. Likewise, the significance of a high noise level is much different in a residential area than in an industrial area.

(1) Highways may stimulate or induce other actions (secondary actions) such as more rapid land development or changed patterns of social and economic activities. Impacts associated with secondary actions, through their impacts on existing community facilities and activities, through inducing new facilities and activities or through changes in natural conditions may often be even more substantial than the primary impacts associated with construction of the highway. For instance, the effect on population and area growth associated with the construction of new highways may be among the more significant impacts. Such impacts associated with anticipated secondary actions should be assessed and discussed in this section of the EIS.

(2) Direct (primary) impacts upon the narrow band adjacent to the highway may be included when significant to the whole of the region or the community. The discussions under this section should address the probable significant impacts of the action (as opposed to individual alternative locations or designs). These might include the probable impact upon elements, factors and features listed below.

(i) *Natural, ecological or scenic resources impacts.* This section will summarize the significant effects on natural, ecological and scenic resources anticipated to be associated with the implementation of the proposed action, including a summary of consultations with the appropriate public and governmental agencies. One example of a natural resource impact would be the effect an action would have on the consumption of energy resources.

(ii) *Relocation of individuals and families impacts.* This section will briefly summarize the relocation assistance program and assess the impacts associated with significant relocation of people and businesses, including consultations with housing agencies and information on the anticipated relocation housing programs. This section will include, to the extent appropriate, information such as the following that is obtainable by visual inspection of the area and from readily available secondary sources or community sources; an estimate of households to be displaced, including the family characteristics (e.g. minorities, income levels, tenure, the elderly, large families); divisive or disruptive effect on the community, such as separation of residences from community facilities or separation of neighborhoods; impact on the neighborhood and housing where relocation is likely to take place; an estimate of the businesses to be displaced and the general effect of business dislocation on the economy of the community; a description of relocation housing in the area, and the ability to provide adequate relocation housing for the types of families to be displaced; a description of special relocation advisory services that will be necessary for identified unusual conditions; a description of the actions proposed to remedy insufficient relocation housing, including, if necessary, housing of last resort; and results of consultation with local officials, social agencies, and community groups regarding the impacts on the community affected.

(iii) *Social impacts.* This section will include a discussion of the significant social impacts anticipated to be caused by the proposed action. The following are examples of groups that may have special problems and require special consideration with respect to access to jobs, schools, churches, parks, hospitals, shopping, and community services:

(A) elderly
(B) school-age children
(C) those dependent upon public transportation
(D) handicapped
(E) illiterate
(F) nondrivers
(G) pedestrians
(H) bicyclists
(I) low income
(J) racial, ethnic, or religious groups

(iv) *Air quality.*

(A) This section shall include: an identification of the air quality impact of the highway section; and identification of the analysis methodology utilized; a brief summary of the early consultation with the air pollution control agency and, where applicable, a brief summary of any consultation with the indirect source review agency; any comments received from the air pollution control agency, and, where applicable, any comments received from the indirect source review agency; and the Highway Agency's determination on the consistency of each alternative under consideration with the approved State implementation plan.

(B) Where required by 40 CFR 51.18, the preferred alternative shall be submitted to the indirect source review agency for review. The proposed final EIS shall not be submitted to FHWA for adoption if the indirect source review agency has found, as a part of the procedures established pursuant to 40 CFR 51.18, that the highway section will result in a violation of applicable portions of the control strategy or will interfere with the attainment or maintenance of the National Ambient Air Quality Standards.

(C) The final EIS should include any comments received from the air pollution control agency concerning the consistency of the proposal with the State implementation plan.

(D) The final EIS may be adopted by the FHWA only after FHWA has determined that the proposed highway section is consistent with the approved State implementation plan. The determination on consistency shall be made by the Regional Federal Highway Administrator.

(v) *Noise impacts.* If highway-generated noise is a significant factor, this section will include a discussion of the possible noise problems and a summary of the noise analysis information. The summary should include:

(A) Information on the numbers and types of activities which may be affected.
(B) Extent of the impact (in decibels).
(C) Likelihood that noise abatement measures can reduce the noise impacts.
(D) Noise abatement measures which will likely be incorporated in the project.
(E) Noise problems for which no apparent solution is available.

(vi) *Water quality impacts.* Include in this section a discussion on significant water quality impacts, including summaries of analyses and consultations with the agency responsible for the State water quality standards. Possible water quality impacts related to highways include: erosion and subsequent sedimentation problems; use of deicing, weed, rodent and insect control products; waste water disposal at safety roadside rest areas; spillage of poisons or chemicals by trucks into a water supply system; and contamination of surface and ground water supplies and of recharge areas by polluted fill material.

(vii) *Wetlands and coastal zones impacts.* This section will summarize the anticipated significant impacts on wetlands and coastal zones, including analyses, consultations and efforts to reduce the impact. Where applicable, the discussion should set forth any inconsistencies with wetlands or coastal zone management programs.

(viii) *Stream modification or impoundment impacts.* This section will include a summary of information which is necessary to comply with 16 U.S.C. 662(a). Briefly, 16 U.S.C. 662(a) requires consultation with the U.S. Fish and Wildlife Service and the appropriate State agency when a Federal action involves impoundment (surface area 10 acres or more), diversion channel deepening or other modification of a stream or body of water. The draft EIS is to include a summary of the early consultation.

(ix) *Flood hazard evaluation.* When an alternative under consideration significantly encroaches on a flood plain, this section will include a summary of studies and consultation made for compliance with the FHWA directive [3] implementing Executive Order 11296 and Flood Hazard Evaluation Guidelines for Federal Executive Agencies, or information evidencing

[3] Vol. 6, Ch. 7, Sec. 3, Subsec. 2 of the Federal-Aid Highway Program Manual, which is available for inspection and copying as prescribed in 49 CFR Part 7, App. D.

that such requirements can be met during project development.

(x) *Construction impacts.* In general, adverse impacts during construction will be less important than long-term impacts. However, if appropriate, the EIS should discuss significant impacts (particularly air, noise and water) associated with construction. Also, where applicable the impact of the proposed disposal method and the impact of borrow areas should be discussed.

(3) This section will also include a discussion of practicable and feasible measures to avoid or reduce the adverse impact, and their relative cost and benefits, where appropriate. The discussion should include the full range of reasonable measures to resolve or minimize anticipated problems and the pros and cons of each.

(j) *Alternatives.* (1) This section shall include a discussion, with maps and other visual aids, as appropriate, of the reasonable alternatives studied in detail, including those that might enhance environmental quality or avoid some or all of the adverse environmental effects. Examples of such alternatives include alternate locations and designs, not implementing the proposed action, postponing the action, providing a lower level of service, providing a reduced facility (lanes/design), and an increase or decrease in public transportation.

(2) The probable beneficial and adverse effects and costs of reasonable alternatives are to be described in a manner consistent with the scale of the proposed highway improvement and significance of the impact. The discussion of environmental impacts in this section includes significant impacts associated with the alternatives themselves, as opposed to the discussion of regional environmental impacts associated with implementing the action.

(3) The draft environmental statement should indicate that all alternatives are under consideration and that a specific alternative will be selected by the HA following the public hearing. The final environmental statement will be prepared for the selected alternative.

(k) *Probable adverse environmental effects which cannot be avoided.* Unavoidable impacts such as water, noise or air pollution; damage to life systems; threats to health; undesirable land use patterns; effects on minorities, etc., will be summarized in this section. These will be adverse environmental effects identified in paragraph (i) of this section for which the use of reasonable corrective or abatement measures will not reduce the impact to acceptable levels.

(l) *The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* This section should contain a brief discussion of the extent to which the proposed action involves trade-offs between short-term environmental gains at the expense of long-term environmental losses, or vice-versa, and a discussion of the extent to which the proposed action forecloses future options. In this context, short-term and long-term do not refer to any fixed time period, but should be viewed in terms of the environmentally significant consequences of the proposed action. The gains (short-term and long-term) may be the benefits associated with a proposed highway to the area or region such as improved transportation, reduction of traffic congestion, improvement in air quality, reduction in noise, improved economic base, accessibility, improved development potential, etc. The losses (short- and long-term) may be the disadvantages associated with the proposed highway, such as use of land by the highway, use of land for highway-associated developments (residential and industrial), loss of parks and recreation areas, and increased pollution (air, water and noise) and impacts on open space, wetlands, etc.

(m) *Irreversible and irretrievable commitments of resources.* This requires an identification of the extent to which the irreversible adverse effects (see paragraph (k) of this section) curtail the range of potential uses of the environment. "Resources" means the full range of natural and cultural resources committed to loss or destruction by the action and is not to be interpreted to mean only the labor and materials committed to the project. A transportation facility may precipitate other related actions such as land development, exploitation of resources, travel, etc., that could induce a significant irreversible commitment which would curtail other use of the area.

(n) *The impact on properties and sites of historic and cultural significance.* (1) To determine whether the project will have an effect on properties of State or local historical, architectural, archaeological, or cultural significance, the HA should consult with the State Historic Preservation Officer (SHPO), with the local official having jurisdiction of the property, and where appropriate, with historical societies, museums, or academic institutions having expertise with regard to the property.

(2) This section of the draft EIS should contain an identification of properties included in or eligible for inclusion in the National Register and an evaluation of the effect the proposed action would have on such properties. It should also contain a record of the coordination with the SHPO concerning the identification of such properties and the evaluation of effect.

(3) This section of the final EIS should also contain (a) documentation supporting a finding of no adverse effect and a record of coordination with the Executive Director, Advisory Council on Historic Preservation (ACHP), or (b) an executed Memorandum of Agreement when an adverse effect has been established, or comments from the Council after consideration of the project at a meeting of the ACHP and an account of actions to be taken in response to the comments of the ACHP.

(o) *Comments and coordination.* (1) The draft EIS shall include a summary of coordination and public and minority involvement during the development of the project and pertinent comments received during the coordination.

(2) The draft EIS shall be revised, as appropriate, to reflect the consideration given to substantive comments received. The final EIS shall include a copy of all substantive comments received (or summaries thereof where response has been exceptionally voluminous), along with a discussion of each substantive comment and suggestion. When the draft EIS is revised as a result of comments received, the copy of the comment should contain marginal references indicating the page and paragraph where revisions were made or the discussion of comments should contain such references.

(3) Any letters or material received from a commenting entity which is not legible when reproduced may be summarized by the HA. Every effort shall be made to insure that the statement will be legible when reproduced.

(4) Any unresolved environmental issues and efforts to resolve them would be discussed in this section.

(5) The final EIS should contain a summary and disposition of substantive social, economic, environmental and other comments made at the public hearing, including the alternatives which were raised.

§ 771.19 Section 4(f) statements.

(a) The purpose of a section 4(f) statement is to document the consideration, consultations and alternative studies for a determination that there are no feasible and prudent alternatives to the use of land from a publicly owned park, recreation area, or wildlife and waterfowl refuge of national, State or local significance, as determined by the Federal, State or local official having jurisdiction thereof; or any land from a historic site of national, State or local significance as so determined by such official. The purpose of the section 4(f) statement is also to support a determination that the proposed action includes all possible planning to minimize harm.

(b) If the project will use land from a historic property that is included in or eligible for inclusion in the National Register of Historic Places, the section 4(f) statement should provide evidence that the provisions of 36 CFR Part 800 (Advisory Council on Historic Preservation, Procedures for the Protection of Historic and Cultural Properties) have been satisfied. If the project will use land from a historic site not included on or eligible for inclusion in the National Register of Historic Places, the section 4(f) statement should provide evidence that the official having jurisdiction thereof has determined it to be of national, State or local significance.

(c) A section 4(f) statement is not required when the Federal, State or local official having jurisdiction over a park, recreation area, refuge or historic site determines that it is not significant. The FHWA Division Engineer shall review the agency's non-significance determination to assure himself of the reasonableness of such determinations. In the absence of such a statement, the sec-

tion 4(f) land will be considered to be significant.

(d) The provisions of this section and section 4(f) do not apply to publicly owned lands that are administered for multiple uses if the portion of the land to be taken is not in fact being used for park, recreation, wildlife, waterfowl, or historic purposes and there is no definite formulated plan for such use as determined by the official having jurisdiction over such lands. The FHWA Division Engineer shall review the agency's land use determination to assure himself of its reasonableness.

(e) Park and recreation lands, wildlife and waterfowl refuges, and historic sites are sometimes designated or determined to be significant later in the development of a highway section. In such cases, a project may proceed without the preparation of a section 4(f) statement if the right-of-way from such 4(f)-type lands was acquired prior to the designation or change in significance.

(f) It is essential that the section 4(f) information necessary for the required determination be consolidated in a separate statement or in a special section of an EIS. The section 4(f) statement or special section in the EIS should be self-contained to the extent practicable. The section 4(f) statement or special section of the EIS should list factors, reasons and effects that are used to judge each alternative not feasible and prudent for the highway improvement and the special measures planned to minimize harm to the section 4(f) land. It may be necessary to repeat information contained in the EIS to eliminate unnecessary reference to the EIS.

(g) The section 4(f) statement must be coordinated with the agency having jurisdiction over the section 4(f) lands, and with the U.S. Department of the Interior, Housing and Urban Development, and, if appropriate, with the Department of Agriculture. The Regional Federal Highway Administrator, in consultation with the Secretarial Representative or other representative of the Federal agencies, shall identify the point (or points) of contact for coordination purposes. The circulation will ordinarily be accomplished by attaching it to the draft EIS or draft negative declaration. Separe unusual conditions which warrant arate circulation may be made if there separate circulation. Such conditions could include, for example, when a section 4(f) area is identified, designated or involved after the final EIS is processed, and when another agency is the lead agency for EIS processing. For all other circumstances when separate circulation appears warranted, advance approval must be obtained from the Office of Environmental Policy. In such cases, separate circulation will be in the form of a supplement to the EIS, and the EIS shall contain a description of the 4(f) land involved, including a summary of the expected effects of the project on the 4(f) land, and an explanation of the unique reasons why the 4(f) determination will be circulated as a supplement. The EIS shall also include documentation to show (1) that there are no major unresolved issues outstanding regarding the section 4(f) determination; (2) that processing of the EIS and subsequent project development activity will not prejudice the study and final decision regarding the section 4(f) land; and (3) that processing the EIS and subsequent project development activity will not restrict the consideration of any feasible and prudent alternative to the use of section 4(f) land, including the "no-build" alternative, except those alternatives demonstrated in the EIS not to be feasible and prudent. FHWA authorization for the State to proceed with the project shall be limited to a portion of the total section length covered by the EIS, which will not restrict consideration of any feasible and prudent alternative with respect to the section 4(f) land. The FHWA Division Engineer shall review the draft section 4(f) statement if separate from the EIS or negative declaration and indicate its acceptability by signing the title page before it is circulated for comment.

(h) When circulating a section 4(f) statement to the agencies noted in paragraph (g) of this section, the HA may establish a time limit of not less than 45 days for comment.

(i) The following information, where pertinent and available, should be included in the section 4(f) statement to initiate the necessary interagency review.

(1) A description of the project and section 4(f) land in sufficient detail to permit those not acquainted with the project to have an understanding of the relationship between the action and the section 4(f) land and the extent of the impact, including a detailed map or drawing of sufficient scale to discern the essential elements of the highway/section 4(f) land involvement.

(2) Size (acres or square feet) and location (maps or other exhibits such as photographs, slides, sketches, etc.).

(3) Type (recreation, historic, etc.).

(4) Available recreational activities (fishing, swimming, golf, etc.).

(5) Facilities existing and planned (description and location of ball diamonds, tennis courts, etc.).

(6) Usage (approximate number of users for each activity).

(7) Relationship to other similarly used land in the vicinity.

(8) Access (both pedestrian and vehicular) and effect thereon.

(9) Ownership (city, county, State, etc.).

(10) Applicable clauses affecting title, such as convenants, restrictions or conditions, including forfeiture.

(11) Unusual characteristics of the section 4(f) land (flooding problems, terrain conditions, or other features that either reduce or enhance the value of portions of the area).

(12) The location and amount of land (acres or square feet) to be used by the highway.

(13) The facilities affected.

(14) The probable increase or decrease in physical effects on the section 4(f) land users (noise, fumes, etc.).

(j) Accurate and detailed information is needed to support the Federal Highway Administrator's determination that there is no feasible or prudent alternative. Supporting information should demonstrate that there are unique problems, truly unusual factors present, and evidence that the cost or community disruption resulting from alternative routes reaches extraordinary magnitudes. Section 4(f) determinations shall be reviewed for legal sufficiency by the FHWA Office of the Chief Counsel.

(k) The section 4(f) statement shall include the best available information on possible measures to minimize harm to the section 4(f) land from the highway involvement. The discussion is to be as specific as possible, consistent with the state of the highway section planning and the need to demonstrate that all possible planning to minimize harm has been included in the highway proposal. The following are some of the measures which have been used to minimize harm:

(1) Provisions for compensating or replacing the section 4(f) land and improvements thereon (include the status of any agreements, i.e., agreed upon functional replacement and type of land, etc.).

(2) Design features to enhance the section 4(f) land or to lessen adverse effects (improving or restoring existing pedestrian, bicycle or vehicular access, landscaping, esthetic treatment, noise abatement measures, etc.).

(3) Coordination of construction to permit orderly transition and continual usage of section 4(f) land facilities (new facilities constructed and available for use prior to demolishing existing facilities, moving of facilities during off-season, etc.).

(4) Description of the coordination with the public agency having jurisdiction over the section 4(f) land relative to measures to minimize harm.

(l) The HA and FHWA Division Engineer should make a special effort to resolve any issues concerning section 4(f) lands prior to forwarding the final section 4(f) statement to the Regional Federal Highway Administrator.

(m) If land acquired or improved with Federal grant money (Department of Housing and Urban Development open space or Bureau of Outdoor Recreation land and water conservation funds) is involved, the final statement shall include a description of the coordination with the grantor agency.

(n) The final section 4(f) statement, including a summary of coordination, a copy of the comments received and the disposition of the comments, will ordinarily accompany the final EIS through the FHWA review process.

§ 771.20 Historic and cultural preservation procedures.

(a) The Advisory Council on Historic Preservation promulgated Procedures for the Protection of Historic and Cultural Properties, 36 CFR Part 800, pursuant to the National Historic Preservation Act of 1966 and Executive Order 11593. These procedures apply to all FHWA actions which could affect a property which is in-

cluded or eligible for inclusion in the National Register of Historic Places.

(b) The National Register is constantly being enlarged by the addition of new entries. Historic places are frequently added after the processing of the draft EIS. The Advisory Council procedures require FHWA and the State Historic Preservation Officer (SHPO) to apply the National Register criteria to all possible historic sites within the project's area of potential environmental impact, at the earliest stage of planning or consideration of a proposed undertaking; therefore, potential entries should have been recognized before preparation of the draft EIS. These procedures are applicable, therefore, to historic properties regardless of the date of their being named to the National Register.

(c) If the HA, FHWA or SHPO determines that it is questionable whether a property meets the National Register criteria, FHWA shall request, in writing, an opinion from the Secretary of the Interior, Attention: The Keeper of the National Register, National Park Service, Washington, D.C. 20240, with respect to the property's eligibility for inclusion in the National Register. If the Secretary of the Interior declares the property eligible, it will be assumed that it will be named to the Register.

§ 771.21 Other agency statements.

(a) FHWA review of statements prepared by other agencies will consider the environmental impact of the proposal on areas within this Administration's functional area of responsibility or special expertise.

(b) Agencies wishing comments on highway impacts shall forward the draft environmental statements to the appropriate FHWA regional offices for comment.

(c) The following types of actions contained in a draft EIS require FHWA Washington Headquarters review and such EIS's are to be forwarded to the Associate Administrator for Right-of-Way and Environment (HEV-10) along with regional comments for processing.

(1) Actions with national implications.

(2) Projects that involve natural, ecological, cultural, scenic, historic, or park or recreation resources of national significance.

(3) Legislation, regulations having national impacts, or national program proposals.

(4) Projects regarding the transportation of hazardous materials and natural gas and liquid-products pipelines.

(5) Water resource projects.

(d) For statements where more than one administration within DOT will comment at the regional level, the comments will be coordinated by the Secretarial Representative of the region or his designee.

(e) Copies of comments should be furnished as follows:

(1) Requesting agency—original and one copy.

(2) Office of the Secretary of Transportation (Office of Environmental Affairs, TES-70)—one copy.

(3) Secretarial Representative—one copy provided by the Region.

(4) Council on Environmental Quality (CEQ)—five copies.

(f) Any requests of the public for copies of comments should be referred to the agency originating the environmental impact statement.

2. Chapter I of Title 23 CFR is amended by revising Part 790 to read as follows:

PART 790—PUBLIC HEARINGS AND LOCATION/DESIGN APPROVAL

Sec.

790.1 Purpose.
790.2 Applicability.
790.3 Definitions for use in this part.
790.4 Coordination.
790.5 Hearing requirements.
790.6 Opportunity for public hearings.
790.7 Public hearing procedures.
790.8 Guidelines for the consideration of social, economic, and environmental effects.
790.9 Location and design approval.
790.10 Publication of approval.
790.11 Reimbursement for public hearing expenses.

AUTHORITY: (23 U.S.C. 101 et seq., 109(h), 128, 315); (49 U.S.C. 1651, 1657(e)(1)) and 49 CFR 1.48(b).

§ 790.1 Purpose.

(a) The purpose of this part is to insure, to the maximum extent practicable, that highway locations and designs reflect and are consistent with Federal, State, and local goals and objectives. The rules, policies, and procedures established by this part are intended to afford full opportunity for effective public participation in the consideration of highway location and design proposals by highway departments before submission to the Federal Highway Administration (FHWA) for approval. They provide a medium for free and open discussion and are designed to encourage early and amicable resolution of controversial issues that may arise.

(b) This part requires State highway departments to consider fully a wide range of factors in determining highway locations and highway designs. It provides for extensive coordination of proposals with public and private interests. In addition, it provides for a two-hearing procedure designed to give all interested persons an opportunity to become fully acquainted with highway proposals of concern to them and to express their views at those stages of a proposal's development when the flexibility to respond to these views still exists.

(c) This part is further designed to assure that: (1) Possible adverse economic, social, and environmental effects relating to any proposed federally funded project on any Federal-aid highway system have been fully considered in developing such project, and that

(2) Final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and the costs of eliminating or minimizing adverse effects.

§ 790.2 Applicability.

The provisions of this part shall apply to the development of a Federal-aid highway project by a highway agency and the approval and authorization of such project by the Federal Highway Administration, until such time as the highway agency incorporates public involvement and public hearing procedures in its Action Plan pursuant to § 795.10 (b)(7) and (8) of this chapter and the Action Plan containing such provisions is approved by the FHWA. The approved Action Plan containing the public involvement and public hearing procedures will replace public hearing requirements of this part for the subject highway agency. Applicable requirements included in Part 771 of this chapter will replace reports, certifications, approvals and authorizations of this part.

(b) If preliminary engineering, acquisition of right-of-way or stage construction related to an undertaking to construct a portion of a Federal-aid highway route section is carried out without Federal-aid funds after FHWA approval of the highway section as part of the Federal-aid highway system, subsequent phases of the work are eligible for Federal-aid funding only if the nonparticipating work after January 18, 1969, is accomplished in accordance with this part. If, however, preliminary engineering, right-of-way acquisition or stage construction is completed without Federal-aid funds before such undertakings become eligible for Federal-aid fund participation by FHWA approval of the highway section as part of a Federal-aid highway system, such actions shall not jeopardize subsequent Federal-aid highway fund participation for the highway section, provided that any preliminary engineering, right-of-way acquisition or construction accomplished subsequent to the FHWA approval of the highway system action is accomplished in accordance with applicable FHWA requirements and provided further that other FHWA requirements necessary for an FHWA approval or authorization are completed in an orderly manner.

(c) This part shall not apply to the construction of highway projects where the Federal Highway Administrator has made a formal determination that the construction of the project is urgently needed because of a national emergency, a natural disaster or a catastrophic failure.

§ 790.3 Definitions for use in this part.

(a) A "corridor public hearing" is a public hearing that: (1) Is held before the route location is approved and before the State highway department is committed to a specific proposal.

(2) Is held to ensure that an opportunity is afforded for effective participation by interested persons in the process of determining the need for, and the location of, a Federal-aid highway; and

(3) Provides a public forum that affords a full opportunity for presenting views on each of the proposed al-

ternative highway locations and the social, economic, and environmental effects of those alternate locations.

(b) A "highway design public hearing" is a public hearing that: (1) Is held after the route location has been approved, but before the State highway department is committed to a specific design proposal.

(2) Is held to ensure that an opportunity is afforded for effective participation by interested persons in the process of determining the specific location and major design features of a Federal-aid highway; and

(3) Provides a public forum that affords a full opportunity for presenting views on major highway design features, including the social, economic, environmental, and other effects of alternate designs.

(c) "Social, economic, and environmental effects" means the direct and indirect benefits or losses to the community and to highway users. It includes such effects that are relevant and applicable to the particular location or design under consideration as to:

(1) Regional and community growth including general plans and proposed land use, total transportation requirements, and status of the planning process.

(2) Conservation and preservation including soil erosion and sedimentation, the general ecology of the area as well as manmade and other natural resources, such as: park and recreational facilities, wildlife and waterfowl areas, historic and natural landmarks.

(3) Public facilities and services including religious, health, and educational facilities; and public utilities, fire protection and other emergency services.

(4) Community cohesion including residential and neighborhood character and stability, highway impacts on minority and other specific groups and interests, and effects on local tax base and property values.

(5) Displacement of people, businesses, and farms including relocation assistance, availability of adequate replacement housing, economic activity (employment gains and losses, etc.).

(6) Air, noise, and water pollution including consistency with approved air quality implementation plans, FHWA noise level standards, and any relevant Federal or State water quality standards (as set forth in Parts 770, 771, and 772 of this chapter).

(7) Aesthetic and other values including visual quality, such as: "view of the road" and "view from the road," and the joint development and multiple use of space.

This listing is not meant to be exclusive, nor does it mean that each effect considered must be given equal weight in making a determination upon a particular highway location or design. (See § 790.8)

(d) "Design approval" means that action or series of actions by which the FHWA indicates to the State highway department that the essential elements of a highway as set out in § 790.9 are satisfactory or acceptable for preparation of plans, specifications and estimates (PS&E) for actual construction.

§ 790.4 Coordination.

(a) When a State highway department begins considering the development or improvement of a traffic corridor in a particular area, it shall solicit the views of that State's resources, recreation, and planning agencies, and of those Federal agencies and local public officials and agencies, and public advisory groups which the State highway department knows or believes might be interested in or affected by the development or improvement. The State highway department shall establish and maintain a list upon which any Federal agency, local public official or public advisory group may enroll, upon its request, to receive notice of projects in any area specified by that agency, official, or group. The State highway departments are also encouraged to establish a list upon which other persons and groups interested in highway corridor locations may enroll in order to have their views considered. If the corridor affects another State, views shall also be solicited from the appropriate agencies within that State. All written views received as a result of coordination under this section must be made available to the public as a part of the public hearing procedures set forth in § 790.7.

(b) Other public hearings or informal public meetings, clearly identified as such, may be desirable either before the study of alternate routes in the corridor begins or as it progresses to inform the public about highway proposals and to obtain information from the public which might affect the scope of the study or the choice of alternatives to be considered, and which might aid in identification of critical social, economic and environmental effects at a stage permitting maximum consideration of these effects. State highway departments are encouraged to hold such a hearing or meeting whenever that action would further the objectives of this part or would otherwise serve the public interest.

§ 790.5 Hearing requirements.

(a) Both a corridor public hearing and a design public hearing must be held, or an opportunity afforded for those hearings, with respect to each Federal-aid highway project that: (1) Is on a new location; or

(2) Would have a substantially different social, economic, or environmental effect; or

(3) Would essentially change the layout or function of connecting roads or streets.

However, with respect to Secondary Road Plan projects which are subject to this part, two hearings are not required on a project covered by paragraph (a) (1) or (2) of this section, unless it will carry an average of 750 vehicles a day in the year following its completion.

(b) A single combined corridor and highway design public hearing must be held, or the opportunity for such a hearing afforded, on all other projects before route location approval, except as provided in paragraph (c) of this section.

(c) Hearings are not required for those projects that are solely for such improvements as resurfacing, widening existing lanes, adding auxiliary lanes, replacing existing grade separation structures, installing traffic control devices or similar improvements, unless the project: (1) Requires the acquisition of additional right-of-way; or

(2) Would have an adverse effect upon abutting real property; or

(3) Would change the layout or function of connecting roads or streets or of the facility being improved.

(d) With respect to a project on which a hearing was held, or an opportunity for a hearing afforded, before January 18, 1969, the following requirements apply: (1) With respect to projects which have not received location approval: (i) If location approval is not requested within 3 years after the date of the hearing or an opportunity for a hearing, compliance with the corridor hearing requirements is required unless a substantial amount of right-of-way has been acquired.

(ii) If location approval is requested within 3 years after the date of the hearing or an opportunity for a hearing, compliance with the corridor hearing requirements is not required.

(2) With respect to those projects which have not received design approval: (i) If design approval is not requested within 3 years after the date of the hearing or an opportunity for a hearing, compliance with the design hearing requirements is required.

(ii) If design approval is requested within 3 years after the date of the hearing or an opportunity for a hearing, compliance with the design hearing requirements is nevertheless required unless the Division Engineer finds that the hearing adequately dealt with design issues relating to major design features.

(e) If location approval is not requested within 3 years after the date of the related corridor hearing held, or an opportunity for a hearing afforded, under this part, a new hearing must be held or the opportunity afforded for such a hearing.

(f) If design approval is not requested within 3 years after the date of the related design hearing held, or an opportunity for a hearing afforded, under this part, a new hearing must be held or the opportunity afforded for such a hearing.

(g) With respect to any project for which a public hearing has been held under Federal-aid procedures, and for which it is determined by the State highway department and the Division Engineer that a new hearing is desirable to consider supplemental information on social, economic, or environmental effects relative to proposals presented at a previous public hearing or with respect to additional proposals, then, as appropriate, a new corridor or design hearing should be held. When recommended by the State and approved by the Division Engineer, a

new corridor hearing held in accordance with this section may be combined with the design hearing, whether or not a design hearing for the project has been previously held. In such instances, the location shall be reconsidered and a new request for location approval shall be submitted together with the request for design approval.

§ 790.6 Opportunity for public hearings.

(a) A State may satisfy the requirements for a public hearing by (1) holding a public hearing, or (2) publishing two notices of opportunity for public hearing and holding a public hearing if any written requests for such a hearing are received. The procedure for requesting a public hearing shall be explained in the notice. The deadline for submission of such a request may not be less than 21 days after the date of publication of the first notice of opportunity for public hearing, and no less than 14 days after the date of publication of the second notice of opportunity for public hearing.

(b) A copy of the notice of opportunity for public hearing shall be furnished to the Division Engineer at time of publication. If no requests are received in response to a notice within the time specified for the submission of those requests, the State highway department shall certify that fact to the Division Engineer.

(c) The opportunity for another public hearing shall be afforded in any case where proposed locations or designs are so changed from those presented in the notices specified above or at a public hearing as to have a substantially different social, economic, or environmental effect, or where § 790.5(g) is applicable.

(d) The opportunity for a public hearing shall be afforded in each case in which either the State highway department or the Division Engineer is in doubt as to whether a public hearing is required.

(e) Public hearing procedures authorized and required by State law may be followed in lieu of any particular hearing requirement of this section or § 790.7 if, in the opinion of the Administrator, such procedures are reasonably comparable to that requirement.

§ 790.7 Public hearing procedures.

(a) *Notice of public hearing.* (1) When a public hearing is to be held, a notice of public hearing shall be published at least twice in a newspaper having general circulation in the vicinity of the proposed undertaking. The notice should also be published in any newspaper having a substantial circulation in the area concerned, such as foreign language newspapers and local community newspapers. The first of the required publications shall be from 30 to 40 days before the date of the hearing, and the second shall be from 5 to 12 days before the date of the hearing. The timing of additional publications is optional.

(2) In addition to publishing a formal notice of public hearing, the State highway department shall mail copies of the notice to appropriate news media, the State's resource, recreation, and planning agencies, and appropriate representatives of the Departments of Interior and Housing and Urban Development. The State highway department shall also mail copies to other Federal agencies who have requested notice of hearing and other groups or agencies who, by nature of their function, interest, or responsibility the highway department knows or believes might be interested in or affected by the proposal. The State highway department shall establish and maintain a list upon which any Federal agency, local public official, public advisory group or agency, civic association or other community group may enroll upon its request to receive notice of projects in any area specified by that agency, official, or group.

(3) Each notice of public hearing shall specify the date, time, and place of the hearing and shall contain a description of the proposal. To promote public understanding, the inclusion of a map or other drawing as part of the notice is encouraged. The notice of public hearing shall specify that maps, drawings, and other pertinent information developed by the State highway department and written views received as a result of the coordination outlined in § 790.4(a) will be available for public inspection and copying and shall specify where this information is available; namely, at the nearest State highway department office or at some other convenient location in the vicinity of the proposed project.

(4) A notice of highway design public hearing shall indicate that tentative schedules for right-of-way acquisition and construction will be discussed.

(5) Notices of public hearing shall indicate that relocation assistance programs will be discussed.

(6) The State highway department shall furnish the Division Engineer with a copy of the notice of public hearing at the time of first publication.

(b) *Conduct of public hearing.* (1) Public hearings are to be held at a place and time generally convenient for persons affected by the proposed undertaking.

(2) Provision shall be made for submission of written statements and other exhibits in place of, or in addition to, oral statements at a public hearing. The procedure for the submissions shall be described in the notice of public hearing and at the public hearing. The final date for receipt of such statements or exhibits shall be at least 10 days after the public hearing.

(3) At each required corridor public hearing, pertinent information about location alternatives studied by the State highway department shall be made available. At each required highway design public hearing, information about design alternatives studied by the State highway department shall be made available.

(4) The State highway department shall make suitable arrangements for responsible highway officials to be present at public hearings as necessary to conduct the hearings and to be responsive to questions which may arise.

(5) The State highway department shall describe the State-Federal relationship in the Federal-aid highway program by an appropriate brochure, pamphlet, or statement, or by other means.

(6) A State highway department may arrange for local public officials to conduct a required public hearing. The State shall be appropriately represented at such public hearing and is responsible for meeting other requirements of this part.

(7) The State highway department shall explain the relocation assistance program and relocation assistance payments available.

(8) At each public hearing the State highway department shall announce or otherwise explain that, at any time after the hearing and before the location or design approval related to that hearing, all information developed in support of the proposed location or design will be available upon request, for public inspection and copying.

(9) To improve coordination with the State highway department, it is desirable that the Division Engineer or his representative attend a public hearing as an observer. At a hearing, he may properly explain procedural and technical matters, if asked to do so. An FHWA decision regarding a proposed location or design will not be made before the State highway department has requested location or design approval in accordance with § 790.9.

(c) *Transcript.* (1) The State highway department shall provide for the making of a verbatim written transcript of the oral proceedings at each public hearing. It shall submit a copy of the transcript to the Division Engineer within a reasonable period (usually less than 2 months) after the public hearing, together with:

(i) Copies of, or reference to, or photographs of each statement or exhibit used or filed in connection with a public hearing.

(ii) Copies of, or reference to, all information made available to the public before the public hearing.

(2) The State highway department shall make copies of the materials described in paragraph (c)(1) of this section available for public inspection and copying not later than the date the transcript is submitted to the Division Engineer.

§ 790.8 Guidelines for consideration of social, economic, and environmental effects.

(a) *Pre-September 29, 1972.* State highway departments shall consider social, economic, and environmental effects before submission of requests for location or design approval, whether or not a public hearing has been held. Consideration of social, economic, and environmental effects shall include an analysis of information submitted to the State highway department in connection with public hearings or in response to the notice of the location or design for which a State highway department intends to request approval. It shall also include consideration of information developed by the State highway department or gained from other contacts with interested persons or groups.

(b) *Modified guidelines—Post-September 29, 1972.* (1) *Application.* These modified guidelines apply to projects which have not received PS&E approval as of September 29, 1972. They do not apply to projects which are already in various stages of physical construction or are exempt under the emergency provisions of § 790.2(c).

(2) *Procedures.* (i) Projects for which location and/or design approval are requested after September 29, 1972, in accordance with §790.9 cannot receive such approval unless the request for location and design approval is accompanied by reports and other documents showing that the development of the project has taken into consideration the need for fast, safe, and efficient transportation together with highway costs, traffic benefits and public services including provisions of national defense; and which, to the extent applicable, discuss the anticipated economic, social, and environmental effects, as defined in §790.3(c), of the proposal and alternatives under consideration.

(ii) In addition to coverage of the significant differences and reasons supporting the alternative locations and designs, discussions of the required items in §790.3(c) and other economic, social, and environmental effects which were raised during public hearings or which were otherwise considered shall include:

(A) Identification of the adverse effects,

(B) Appropriate measures to eliminate or minimize the adverse effects,

(C) The estimated costs (expressed in either monetary, numerical, or qualitative terms) of the measures considered.

(iii) The degree of analysis of the items may vary, depending upon the scope and the nature of project, the stage of project development, and the extent of the adverse effect.

(iv) Where material required by this paragraph has been previously submitted pursuant to other requirements, such as those in §790.9 or in Part 771 of this chapter the State highway department may either resubmit such material or make reference to it.

(v) Projects which have already received design approval, as defined herein, as of September 29, 1972, may receive PS&E approval, if otherwise satisfactory, on the basis of past State highway department submissions which identify and document the economic, social, and environmental effects previously considered with respect to these advanced projects, together with a supplemental report, if necessary, covering the consideration and disposition of the items not previously covered and now listed herein in §790.3(c). The supplemental report shall be prepared by the State and submitted to the Division Engineer not later than the time of submission of PS&E documents for the next Federal-aid improvement of the highway section. This supplemental documentation may take the form of statements in the program submission (PR–1 or PR–9 forms and attachments) relative to the overall proposal being advanced, unless the Division Engineer determines that a more detailed report is warranted.

§ 790.9 Location and design approval.

(a) This section applies to all requests for location or design approval whether or not public hearings, or the opportunity for public hearings, are required by this part.

(b) Each request by a State highway department for approval of a route location or highway design must include a study report containing the following:

(1) Descriptions of the alternatives considered and a discussion of the anticipated social, economic, and environmental effects of the alternatives, pointing out the significant differences and the reasons supporting the proposed location or design. In addition, the report must include an analysis of the relative consistency of the alternatives with the goals and objectives of any urban plan that has been adopted by the community concerned.

(i) Location study reports must describe the termini, the general type of facility, the nature of the service which the highway is intended to provide, and other major features of the alternatives.

(ii) Design study reports must describe essential elements such as design standards, number of traffic lanes, access control features, general horizontal and vertical alinement, right-of-way requirements and location of bridges, interchanges, and other structures.

(2) Appropriate maps or drawings of the location or design for which approval is requested.

(3) A summary and analysis of the views received concerning the proposed undertaking.

(4) A list of any prior studies relevant to the undertaking.

(c) In addition, each request by a State highway department for approval of a route location or highway design must be accompanied by documentation or reports or other acceptable material indicating compliance with § 790.8.

(d) At the time it requests approval under this section, each State highway department shall publish in a newspaper meeting the requirements of § 790.7(a)(1) a notice describing the location or design, or both, for which it is requesting approval. The notice shall include a narrative description of the location or design. Where practicable, the inclusion of a map or sketch of that location or design is desirable. In any event, the publication shall state that such maps or sketches as well as all other information submitted in support of the request for approval is publicly available at a convenient location.

(e) The following requirements apply to the processing of requests for highway location or highway design approval: (1) *Location approval.* The Division Engineer may approve a route location and authorize design engineering only after the following requirements are met: (i) The State highway department has requested route location approval.

(ii) Corridor public hearings required by this part have been held, or the opportunity for hearings has been afforded.

(iii) The State highway department has submitted public hearing transcripts and certificates required by section 128, title 23, United States Code.

(iv) The requirements of this part and of other applicable laws and regulations.

(2) Design approval. The Division Engineer may approve the highway design and authorize right-of-way acquisition, approve right-of-way plans, approve construction plans, specifications, and estimates, or authorize construction, only after the following requirements have been met: (i) The route location has been approved.

(ii) The State highway department has requested highway design approval.

(iii) Highway design public hearings required by this part have been held, or the opportunity for hearings has been afforded.

(iv) The State highway department has submitted the public hearing transcripts and certificates required by section 128, title 23, United States Code.

(v) The requirements of this part and of other applicable laws and regulations.

(f) The Division Engineer, under criteria promulgated by the Federal Highway Administration, may in other appropriate instances authorize the acquisition of right-of-way before a design hearing or, in exceptional cases, with the approval of the Regional Administrator, before a corridor hearing.

(g) Secondary Road Plan agreements, unless amended in accordance with Subchapter F, Part 642 of this chapter, shall incorporate procedures similar to those required for other projects and shall include provisions requiring: (1) Route location and highway design approval,

(2) Preparation of study reports as described in § 790.9(b), and

(3) Corridor and highway design public hearings in all cases where they would be required for Federal-aid projects not administered under the Secondary Road Plan. Project actions by the Division Engineer or submissions to the Division Engineer which are not now required should not be established for Secondary Road Plan projects as a result of this part.

§ 790.10 Publication of approval.

In cases where a public hearing was held, or the opportunity for a public hearing afforded, the State highway department shall publish notice of the action taken by the Division Engineer on each request for approval of a highway location or design, or both, in a newspaper meeting the requirements of § 790.7(a)(1) within 10 days after receiving notice of that action. The notice shall include a narrative description of the location and/or design, as approved. Where practicable, the inclusion of a map or sketch of that location or design is desirable. In any event, the publication shall state that such maps or sketches as well as all other information concerning the approval is publicly available at a convenient location.

§ 790.11 Reimbursement for public involvement expenses.

Public hearings and other project-related forms of public participation are

integral parts of the preliminary engineering process. Reasonable project-related costs associated with such activities sponsored by highway agencies (other than personal expenses of individuals or groups) are eligible for reimbursement with Federal-aid funds on the same basis as other preliminary engineering costs.

3. Chapter I of Title 23 CFR is amended by revising Part 795 to read as follows:

PART 795—PROCESS GUIDELINES (FOR THE DEVELOPMENT OF ENVIRONMENTAL ACTION PLANS)

Sec.

795.1 Purpose.
795.2 Definitions for use in this part.
795.3 Policy.
795.4 Application.
795.5 Procedures.
795.6 Implementation and revision.
795.7 Contents of the Action Plan.
795.8 Identification of social, economic, and environmental effects.
795.9 Consideration of alternative courses of action.
795.10 Involvement of other agencies and the public.
795.11 Systematic interdisciplinary approach.
795.12 Decisionmaking process.
795.13 Interrelation of system and project decisions.
795.14 Levels of action by project category.
795.15 Responsibility for implementation.
795.16 Fiscal and other resources.
795.17 Consistency with existing laws, regulations and directives.

AUTHORITY: 23 U.S.C. 109(h), 23 U.S.C. 128, 23 U.S.C. 315, 49 U.S.C. 1651, 49 U.S.C. 1657 (e)(1)), 40 CFR Part 1500, and 49 CFR 1.48 (b).

§ 795.1 Purpose.

To provide to highway agencies and the Federal Highway Administration (FHWA) field offices guidelines for the development of Action Plans to assure that adequate consideration is given to possible social, economic, and environmental effects of proposed highway projects and that the decisions on such projects are made in the best overall public interest. These guidelines identify issues to be considered in reviewing the present organization and processes of a highway agency as they relate to social, economic, and environmental considerations, and in developing desirable improvements. The guidelines recognize the unique situation of each State and do not prescribe specific organizations or procedures.

§ 795.2 Definitions for use in this part.

(a) *Highway agency.* The agency with the primary responsibility for initiating and carrying forward the planning, design, and construction of Federal-aid highway projects.

(b) *Human environment.* The aggregate of all external conditions and influences (esthetic, ecological, cultural, social, economic, historical, etc.) that affect human life.

(c) *Environmental effects.* The totality of the effects of a highway project on the human and natural environment.

(d) *A–95 clearinghouse.* Those agencies and offices in State, metropolitan areas, and multi-State regions which perform the coordination functions called for in Office of Management and Budget (OMB) Circular A–95.

(e) The following definitions are provided solely to clarify the terms "system planning stage," "location stage," and "design stage" as they are used in these guidelines. A highway agency may choose to use different definitions in responding to these guidelines. If not staged otherwise, the following definitions will be assumed to be applicable.

(1) *System planning stage.* Regional analysis of transportation needs and the identification of transportation corridors.

(2) *Location stage.* From the end of system planning through the selection of a particular location.

(3) *Design stage.* From the selection of a particular location to the start of construction.

(f) *Major design features.* Those features required to describe a proposed highway improvement, including such elements as number of traffic lanes, access control features, general horizontal and vertical alignments, approximate right-of-way requirements, and locations of bridges, interchanges and other major structures, etc.

§ 795.3 Policy.

(a) It is the FHWA's policy that full consideration be given to social, economic, and environmental effects throughout the planning of highway projects, including system planning, location, and design; that provisions for ensuring such consideration shall be incorporated in the decisionmaking process; and that decisions shall be made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and the cost of eliminating or minimizing possible adverse social, economic, and environmental effects.

(b) The process by which decisions are reached should be such as to merit public confidence in the highway agency. To achieve this objective, it is the FHWA's policy that: (1) Social, economic, and environmental effects be identified and studied early enough to permit analysis and consideration while alternatives are being formulated and evaluated.

(2) Other agencies and the public be involved in system planning and project development early enough to influence technical studies and final decisions.

(3) Appropriate consideration be given to reasonable alternatives, including the alternative of not building the project and alternative modes.

§ 795.4 Application.

(a) These guidelines apply to the process by which highway agencies plan and develop proposed projects, on any Federal-aid system, for which the FHWA approves the plans, specifications and estimates or has the responsibility for approving a program. They apply to system planning decisions, including those made in compliance with 23 U.S.C. 134 and to project decisions made during the location and design stages.

(b) These guidelines and the Action Plan shall only be applied to the future development of ongoing projects and to future projects. They are not retroactive, and shall not apply to any step or steps taken in the development of a project prior to the time of the implementation of the parts of the Action Plan applicable thereto. Action Plan public hearing procedures as defined in § 795.10(b)(7) shall apply only to activities or stages of project development occurring subsequent to the FHWA approval of the Action Plan containing such provisions. However, any project which had an initial (corridor) public hearing opportunity in accordance with Part 790 of this chapter shall also have a second (design) public hearing opportunity if such hearing opportunity would have been required by Part 790.

§ 795.5 Procedures.

(a) To meet the requirements of these guidelines, each highway agency shall operate under an approved Action Plan which describes the organization to be utilized and the process to be followed in the development of Federal and Federal-aid highway projects from initial system planning through design.

(b) The Action Plan should be consistent with the requirements of all applicable FHWA regulations and directives.

(c) Involvement of the public and local, State, and Federal officials and agencies, including A–95 clearinghouses and the 23 U.S.C. 134 metropolitan transportation planning agencies, should be sought throughout the development of the Action Plan. Comments should be solicited during the draft and final stage of development of the Action Plan.

(d) The FHWA, through its division and regional offices, will consult with the State in the development of the Action Plan and, within the limits of its resources, will be prepared to assist or advise.

(e) The Action Plan shall be submitted to the Governor of the State for review and approval as a means of obtaining a high degree of interagency and intergovernmental coordination. Approval by the Governor may occur prior to submittal of the Action Plan to the FHWA, or, if desired by the State, may occur concurrently with FHWA approval.

(f) The Action Plan submitted to the Governor of the State and to the FHWA should be accompanied by a description of the procedures followed in developing the Action Plan; the steps taken to involve the public and other agencies during development of the Plan; and a summary of comments received on the Plan (including the sources of such comments) and the State's disposition of these comments.

(g) Review and approval of the Action Plan and revisions thereto will be the responsibility of the Regional Federal Highway Administrator.

(h) The FHWA will not give location approvals unless the highway agency has an approved Action Plan.

§ 795.6 Implementation and revision.

(a) The FHWA shall review the States' implementation of their Action Plans at appropriate intervals. The FHWA may rescind approval of an Action Plan or

take other action it deems appropriate if in its reviews it determines that the Action Plan is not being implemented or that the Action Plan is not achieving the objectives of this part.

(b) The Action Plan shall be implemented as quickly as feasible. A program of staged implementation for the period up to November 1, 1974, shall be developed and described in the Action Plan. It is expected that all aspects of the Action Plan will be implemented by this date. If the highway agency believes that any provision in its Action Plan cannot be implemented prior to November 1, 1974, it shall present a schedule for the implementation of such provisions to the FHWA, which will consider the proposed schedule on a case-by-case basis.

(c) If the schedule for implementation set forth in an approved Action Plan is not met, the FHWA may withhold location approvals or take such other actions as it deems appropriate.

(d) An approved Action Plan may be revised to meet changed circumstances or to permit adoption of improved procedures or assignments of responsibilities.

(1) The Action Plan should identify the assignment of responsibility for developing Action Plan revisions.

(2) Section 795.5(e) (Governor's approval) shall apply to revision of the Action Plan; except that the highway agency, with the Governor's approval, may include a provision in the Action Plan to allow all or some type of revisions in the approved Action Plan without review and approval by the Governor. In such instances, the Action Plan should include a description of the types of such revisions.

(3) The highway agency in consultation with the FHWA shall determine the extent to which involvement of the public and other agencies is necessary in the development of proposed Action Plan revisions.

§ 795.7 Contents of the Action Plan.

The Action Plan shall indicate the procedures to be followed in developing highway projects, including organizational structure and assignments of responsibility by the chief administrative officer of the highway agency to positions or units within the agency. Where participation of other agencies or consultants will be utilized, this should be so indicated .The topics to be covered by the Action Plan are outlined in §§ 795.8 through 795.17.

§ 795.8 Identification of social, economic, and environmental effects.

(a) Identification of potential social, economic, and environmental effects, both beneficial and adverse, of alternative courses of action should be made as early in the study process as feasible. Timely information on such effects should be produced so that the development and consideration of alternatives and studies can be influenced accordingly. Further, the costs, financial and otherwise, of eliminating or minimizing possible adverse social, economic, and environmental effects should be determined.

(b) The Action Plan should identify: (1) The assignment of responsibility for: (i) Providing information on social, economic, and environmental effects of alternative courses of action during system planning, location, and design stages.

(ii) Controlling the technical quality of social, economic, and environmental studies.

(iii) Monitoring current social, economic, and environmental research, monitoring environmental effects of completed projects, where appropriate; and disseminating "state-of-the-art" information within the agency.

(2) Procedures to be followed to ensure that timely information on social, economic, and environmental effects: (i) Is developed in parallel with alternatives and related engineering data, so that the development and selection of alternatives and other elements of technical studies can be influenced appropriately.

(ii) Indicates the manner and extent to which specific groups and interests, including minority groups, are beneficially and/or adversely affected by alternative proposed improvements.

(iii) Is made available to other agencies and to the public early in studies.

(iv) Is developed with participation of staffs of local agencies and interested citizens.

(v) Is developed sufficiently to allow for the estimation of costs, financial or otherwise, of eliminating or minimizing identified adverse effects.

§ 795.9 Consideration of alternative courses of action.

(a) Alternatives considered should include, where appropriate, alternative types and scales of highway improvements and other transportation modes. The option of no improvement should be considered and used as a reference point for determining the beneficial and adverse effects of other alternatives. Appropriate alternatives which might minimize or avoid adverse social, economic, or environmental effects should be studied and described, particularly in terms of impacts upon specific groups and in relationship to 42 U.S.C. 2000d–2000d–4 (Title VI of the Civil Rights Act of 1964) and 42 U.S.C. 3601–3619 (Title VIII of the Civil Rights Act of 1968).

(b) The Action Plan should identify the assignment of responsibility and the procedures to be followed to ensure that: (1) The consequences of the no-highway-improvement option are set forth, with data of a level of completeness and of detail consistent with that developed for other alternatives.

(2) A range of alternatives appropriate to the stage is considered at each stage from system studies through final design.

(3) Alternatives containing new transportation modes or improvements to existing modes are adequately considered, where appropriate.

(4) Nontransportation components, such as replacement housing, joint development, multiple use of rights-of-way, etc., are in coordination with transportation components.

(5) Suggestions from outside the agency are given careful consideration.

§ 795.10 Involvement of other agencies and the public.

(a) The President has directed Federal agencies to "develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties" (Executive Order 11514, 35 F.R. 4247). Interested parties should have adequate opportunities to express their views early enough in the study process to influence the course of studies, as well as the actions taken. Information about the existence, status, and results of studies should be made available to other agencies and the public throughout those studies. Public hearings should be only one component of the agency's program to obtain public involvement.

(b) The Action Plan should identify the assignment of responsibility and procedures to be followed: (1) To ensure that information is made available to other agencies and the public throughout the duration of project studies, and that such information is as clear and comprehensible as practicable concerning:

(i) The alternatives being considered.

(ii) The effects of alternatives, both beneficial and adverse, and the manner and extent to which specific groups and interests, including minority groups, are affected.

(iii) Right-of-way and relocation assistance programs and relocation plans.

(iv) The proposed time schedule of project development, including major points of public interest.

(2) To clearly indicate the organizational unit or units within the highway agency to which the public can go for information outlined in paragraph b(1) of this section, and for assistance to clarify or interpret the information.

(3) To ensure that interested parties, including local governments and metropolitan, regional, State, and Federal agencies, and the public have an opportunity to participate in an open exchange of views throughout the system planning, location, and design stages.

(4) To utilize appropriate agencies with area-wide responsibilities to assist in the coordination of viewpoints during project development.

(5) To consult with the responsible local public officials and involve appropriately the organization which is officially established to conduct continuing, comprehensive, cooperative transportation planning in urbanized areas of over 50,000 population under 23 U.S.C. 134.

(6) To select and coordinate procedures, in addition to formal public hearings, to be used to inform and involve the public.

(7) To ensure adequate opportunity for public hearing(s) on the need for the proposed project; alternative courses of action; alternative project locations and major design features; social, economic, environmental and other effects of the alternatives; and the consistency of the

project with local planning goals and objectives. The Action Plan shall include:

(i) Provisions for one or more public hearings to be held at a convenient time and place, or the opportunity for hearing(s) to be afforded, on any Federal-aid project which requires the acquisition of significant amounts of right-of-way, substantially changes the layout or function of connecting roadways or of the facility being improved, has a significant adverse impact on abutting real property, or otherwise has a significant social, economic, environmental or other effect.

(ii) The stage(s) of project development at which hearing opportunities will be afforded and the function and coverage of each hearing, including provisions that each hearing will be held before the highway agency becomes committed to any alternative presented at the hearing, and that the alternatives presented at each hearing will be developed to comparable levels of detail.

(iii) Public notification procedures that will be used to inform the public of hearing opportunities, including newspaper publication of hearing notices, press releases and other means that are likely to reach those interested in or affected by proposed projects. Initial hearing notices shall be published at least 30 days in advance of hearings.

(iv) A description of what information is presented or made available to the public and the procedures for receiving verbal and written commentary from the public to assure that the public has adequate opportunity to participate in the hearing process and to be informed of the alternatives studied and their potential effects. Information such as engineering, social, economic and environmental studies; draft environmental impact statements; noise and air quality studies; and relocation program descriptions should be made available before the hearing(s) for inspection and copying and should be provided at the hearing(s).

(v) Provisions for additional hearing opportunities where there has been (A) substantial change in the proposal, or (B) unanticipated development in the area affected by the proposal, or (C) change due to an unusually long lapse of time since the last hearing, or (D) identification of significant social, economic, or environmental effects not previously considered at earlier hearings.

(8) To provide for the submission of reports, certifications and, if appropriate, public hearing transcripts as required by 23 U.S.C. 128 for each public hearing opportunity.

§ 795.11 Systematic interdisciplinary approach.

(a) 42 U.S.C. 4332 (Section 102 of the National Environmental Policy Act of 1969) requires that agencies use "a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment."

(b) The Action Plan should indicate procedural arrangements and assignments of responsibilities which will be necessary to meet this requirement, including: (1) The organization and staffing of interdisciplinary project groups which are systematic and interdisciplinary in approach, including the possible use of consultants and representatives of other State or local agencies.

(2) Recruitment and training of personnel with skills which are appropriate to add on a full-time basis, and the development of appropriate career patterns, including management opportunities.

(3) Additional training for present personnel to enhance their capabilities to work effectively in an interdisciplinary environment.

§ 795.12 Decisionmaking process.

(a) The process of reaching various decisions on projects should be reviewed to assure that it provides for the appropriate consideration of all economic, social, environmental and transportation factors as required by these guidelines.

(b) The Action Plan should identify: (1) The processes through which other State and local agencies, government officials, and private groups may contribute to reaching decisions, and the authority, if any, which other agencies or government officials can exercise over decisions.

(2) Different decision processes, if any, for various categories of projects (e.g., Interstate, Primary, Secondary, TOPICS) and for various geographic regions of the State (e.g., in various urban and rural regions) to reflect local differences in the nature of potential environmental effects or in the structure of local governments and institutions.

(3) The processes to be used to obtain participation in decisions by officials of appropriate agencies in other States for those situations in which the potential social, economic, and environmental effects are of interstate concern.

§ 795.13 Interrelation of system and project decisions.

(a) Many significant economic, social, and environmental effects of a proposed project are difficult to anticipate at the system planning stage and become clear only during location and design studies. Conversely, many significant environmental effects of a proposed project are set at the system planning stage. Decisions at the system and project stages shall be made with consideration of their social, economic, environmental, and transportation effects to the extent possible at each stage.

(b) The Action Plan should identify: (1) Procedures to be followed to: (i) Ensure that potential social, economic, and environmental effects are identified insofar as practicable in system planning studies as well as in later stages of location and design. (ii) Provide for reconsideration of earlier decisions which may be occasioned by results of further study, the availability of additional information, or the passage of time between decisions.

(2) Assignment of responsibility for ensuring that project studies are effectively coordinated with system planning on a continuing basis.

§ 795.14 Levels of action by project category.

(a) A highway agency may develop different procedures to be followed depending upon the economic, social, environmental, or transportation significance of the highway project to be developed. Different procedures may also be adopted for various categories of projects, such as TOPICS, new route locations, or secondary roads, and for various regions of the State, such as urban areas or zones of particular environmental significance.

(b) The Action Plan should identify: (1) The categories which the highway agency will use to distinguish the different degrees of effort which under normal circumstances will be devoted to various types of projects.

(2) Assignment of responsibility for determining, initially and in periodic reviews, the category of each ongoing project.

(3) Procedures to be followed for each category (including identification of impacts, public involvement, decision process, and other issues covered in these guidelines).

§ 795.15 Responsibility for implementation.

Assignment of responsibility for implementation of the Action Plan should be identified.

§ 795.16 Fiscal and other resources.

(a) An important component of the Action Plan is identification of resources of the highway agency and of other agencies required to perform the identified procedures and execute the assigned responsibilities.

(b) The Action Plan should identify: (1) The resources of the highway agency (in terms of personnel and funding) that will be utilized in implementing and carrying out the Action Plan.

(2) Resources that are available in other agencies to provide necessary information on social, economic, and environmental effects.

(3) Programs for the addition of trained personnel or fiscal or other resources to either the highway agency itself or other agencies.

§ 795.17 Consistency with existing laws, regulations, and directives.

The highway agency should identify and report, either in the Action Plan or otherwise, areas where existing Federal and State laws, regulations, and administrative directives prevent or hamper full compliance with these guidelines. Where appropriate, recommendations and proposed actions to overcome such difficulties should be described.

PART 1—GENERAL

Appendix A—[Deleted]

4. Appendix A of Part 1, Chapter I of Title 23 CFR is deleted.

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