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Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

S. 386..... Pub. Law 93–503
National Mass Transportation Assistance Act of 1974
(Nov. 26, 1974; 88 Stat. 1565)

S. 3204..... Pub. Law 93–504
Naval Sea Cadet Corps
(Nov. 29, 1974; 88 Stat. 1565)

rules and regulations

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

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

Title 9—Animals and Animal Products

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Areas Quarantined

This amendment quarantines a portion of El Paso County in Texas and portions of Stevens County in Kansas because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

Accordingly, 9 CFR Part 73, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (a) relating to the State of Texas is amended and a new paragraph (d) relating to the State of Kansas is added to read:

§ 73.1a Notice of quarantine.

(a) Notice is hereby given that cattle in certain portions of the State of Texas are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

(1) That portion of Cochran County comprised of Greer County school land league 85–86, secs. 3, 4, 21 and 22.

(2) That portion of El Paso County comprised of Block #2, Track 8–B of the San Elizario Grant.

* * * * *

(d) Notice is hereby given that cattle in certain portions of the State of Kansas are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

(1) That portion of Stevens County comprised of sec. 33, T. 33 S., R. 38 W.

(2) That portion of Stevens County comprised of sec. 4, T. 34 S., R. 38 W.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f) 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective November 29, 1974.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of November 1974.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–28344 Filed 12–3–74;8:45 am]

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

Modified Certified Brucellosis Areas

This amendment deletes the following areas from the list of areas designated as Modified Certified Brucellosis Areas in 9 CFR 78.13 because it has been determined that these areas no longer come within the definition of § 78.1(i): Lafayette Parish in Louisiana; Garvin and McClain Counties in Oklahoma; and Atascosa, Ellis, Erath, Freestone, Kaufman, Limestone, Navarro, Stephens, Stonewall, Wilbarger, and Young Counties in Texas.

The following counties were deleted from the list of Modified Certified Brucellosis Areas in 9 CFR 78.13 on the specified dates: Grayson and Leon Counties in Texas on September 30, 1974; and Harrison, Haskell, and Hill Counties in Texas on October 29, 1974. Since said dates, it has been determined that these counties again come within the definition of § 78.1(i); and, therefore, they have been redesignated as Modified Certified Brucellosis Areas.

Accordingly, § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby revised to read as follows:

§ 78.13 Modified Certified Brucellosis Areas.

(a) All States of the United States are hereby designated as Modified Certified Brucellosis Areas except Louisiana, Oklahoma, and Texas.

(b) The following States are hereby designated as Modified Certified Brucellosis Areas except for the counties named:

(1) Louisiana except Lafayette Parish.

(2) Oklahoma except Adair, Dewey, Garvin, Haskell, Latimer, Le Flore, McClain, Pottawatomie, Pushmataha, and Seminole Counties.

(3) Texas except Atascosa, Ellis, Erath, Freestone, Hunt, Kaufman., Limestone, Navarro, Stephens, Stonewall, Wilbarger, and Young Counties.

(Secs. 4–7, Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 114a–1, 115, 117, 120 121, 125; 134b, 134f); 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.16)

Effective Date. The foregoing amendment shall become effective December 4, 1974.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of November 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–28343 Filed 12–3–74;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

[Regs. D, M]

PART 204—RESERVES OF MEMBER BANKS

PART 213—FOREIGN ACTIVITIES OF NATIONAL BANKS

Reserves Against Foreign Borrowings

The Board of Governors has approved technical amendments to its Regulation D, Reserves of Member Banks, and Regulation M, Foreign Activities of National Banks, in order to delete certain provisos pertaining to the gradual elimination of reserve-free bases on member banks' Eurodollar borrowings, since these reserve-free bases have expired.

On May 16, 1973 (effective date June 21, 1973), the Board reduced the reserve requirements on Eurodollar borrowings by member banks from 20 per cent to 8 per cent and provided for the gradual elimination of the reserve-free bases that exempted from reserve requirements some portion of member banks' Eurodollar borrowings. Member banks were to begin phasing out this base in the computation period which commenced on July 5, 1973. This elimination process was completed in the computation period ending on April 10, 1974.

Section 204.5(c) of Regulation D and § 213.7(a) of Regulation M contain provisos explaining how the reserve-free base was to be reduced. Since the process of reducing member banks' reserve-free bases has been completed and such bases have thus been eliminated entirely from member banks' Eurodollar reserve computations, the Board has approved the deletion of the explanatory provisos from the regulations.

These amendments are issued pursuant to the Board's authority under section 19 of the Federal Reserve Act (12 U.S.C. 461) to set reserve ratios for member banks and under sections 25 and 9 of that Act (12 U.S.C. 601 and 321) to regulate foreign branches of member banks. There was no notice or public participation with respect to these amendments because the Board found such procedures were unnecessary and would serve no useful purpose. The effective date was deferred for less than the 30 day period referred to in section 553(d) of Title 5, United States Code, because the Board found that such notice was not necessary and would serve no useful purpose. (See § 262.2(e) of the Board's rules of procedure, 12 CFR 262.2(e)).

Effective November 22, 1974, § 204.5(c) of Regulation D and § 213.7(a) of Regulation M are amended to read as follows:

§ 204.5 Reserve requirements.

* * * * *

(c) *Reserve percentages against certain deposits by foreign banking offices.* Deposits represented by promissory notes, acknowledgements of advance, due bills, or similar obligations described in § 204.1(f) to foreign offices of other banks,[8] or to institutions the time deposits of which are exempt from the rate limitations of Regulation Q pursuant to § 217.3(g) thereof, shall not be subject to paragraph (a) of this section or to § 204.3(a) (1) and (2); but during each week of the four-week period beginning June 21, 1973, and during each successive four-week ("maintenance") period, a member bank shall maintain with the Reserve Bank of its district a daily average balance equal to 8 per cent of the daily average amount of such deposits during the four-week computation period ending on the Wednesday fifteen days before the beginning of the maintenance period. An excess or deficiency in reserves in any week of a maintenance period under this paragraph shall be subject to § 204.3(a)(3), as if computed under § 204.3(a)(2), and deficiencies under this paragraph shall be subject to § 204.3(b).[9]

§ 213.7 Reserves against foreign branch deposits.

(a) *Transactions with parent bank.* During each week of the four-week period beginning June 21, 1973, and during each week of each successive four-week ("maintenance") period, a member bank having one or more foreign branches shall maintain with the Reserve Bank of its district, as a reserve against its foreign branch deposits, a daily average balance equal to 8 per cent of the daily average total of—

(1) Net balances due from its domestic offices to such branches, and

(2) Assets (including participations) held by such branches which were acquired from its domestic offices (other than assets representing credit extended to persons not residents of the United States), during the four-week computation period ending on the Wednesday fifteen days before the beginning of the maintenance period.

* * * * *

By order of the Board of Governors, November 25, 1974.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.74-28248 Filed 12-3-74;8:45 am]

[8] Any banking office located outside the States of the United States and the District of Columbia of a bank organized under domestic or foreign law.

[9] The term "computation period" in § 204.3(a)(3) and (b) shall, for this purpose, be deemed to refer to each week of a maintenance period under this paragraph.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 13885; Amdt. No. 21-41]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Parts Manufacturer Approvals

The purpose of this amendment to Part 21 of the Federal Aviation regulations is to delete the requirement that a person who holds a Parts Manufacturer Approval (PMA) must be the manufacturer of the part covered by the PMA.

This Amendment is based on a notice of proposed rulemaking (Notice No. 74-24) published in the FEDERAL REGISTER on July 1, 1974 (39 FR 24236). Numerous comments were received in response to the Notice, and the FAA's disposition of comments is discussed below.

The proposals contained in Notice 74-24 had the following three major objectives:

(1) To permit PMA's to be issued to, and retained by, persons not engaged in any of the manufacturing involved in the production of the parts covered by the PMA.

(2) To continue the requirement that the FAA be provided a list, maintained current within ten days, of the name and address of each facility at which manufacturing involved in the production of the part would be accomplished, and to clearly state that the FAA's authority under § 21.303 to make any inspections and tests necessary to determine compliance with the applicable regulations includes those that the FAA determines need to be conducted at any manufacturing facility.

(3) To provide for specific FAA approval of PMA Fabrication Inspection Systems (FIS's).

There was only a single comment, containing no supporting information or arguments, opposed to the first objective. Accordingly, to meet that objective, § 21.303(a) is amended to require only that the person producing a modification or replacement part do so pursuant to a PMA. This will permit PMA's to be issued to any person who establishes and maintains a FIS under which the part is produced whether or not that person is the manufacturer.

A large number of the commentators objected to the proposals that would implement the second two stated objectives. In general, those objecting to the requirement that a list, current within 10 days, be maintained of all manufacturing facilities involved in the production of a part stated that there was ordinarily a rapid turnover of subcontracting facilities and that the proposed requirement would be an unnecessary paperwork burden for both PMA holders and the FAA. Furthermore, many of those objecting expressed concern over the expected reaction of many subcontractors and suppliers to any rquirement that their facilities and operations be made available for inspection by the FAA. It was alleged that those subcontractors and suppliers because of the relatively small volume of business involved, would refuse to do business with PMA holders under such constraints. In addition, many of those commentators expressed concern that subcontractors and suppliers would react in a similar manner if required to implement a PMA holder's FIS in connection with the production of items to be delivered to the holder.

These comments reflect a misunderstanding of both the present rule and the proposals contained in the notice. The proposals relating to maintaining a list of manufacturing facilities, to inspections conducted at any manufacturing facility, and to implementation of a PMA holder's FIS at any manufacturing facility did not include new substantive requirements. Section 21.303 (c)(2) requires an applicant for a PMA to submit the name and address of the manufacturing facilities at which the parts are to be manufactured, and § 21.303(j) requires the PMA holder to notify the FAA within 10 days of any changes in the location of those facilities, including additional facilities. Furthermore, § 21.303 provides that the Administrator may make any inspections and tests necessary to determine compliance with the applicable FAR's. While it may be possible in many cases to conduct all of the required inspections and tests at the PMA holder's facility, the FAA pursuant to its responsibilities under the Federal Aviation Act, must retain the right to perform inspections and tests at any facility utilized in production under a PMA. With regard to implementation of a PMA holder's FIS at any manufacturing facility, it should be noted that § 21.303(h) prior to this Amendment stated that "Each person manufacturing * * * parts under a Parts Manufacturer Approval shall establish and maintain a fabrication inspection system that ensures that each part conforms to the design data and is safe for installation on type certificated products * * * " That provision specifically required, among other things, determination of the condition of incoming materials, inspection of parts in process at points where accurate determination of conformity can be made, and segregation of rejected materials and components. The revision of paragraph (h) adopted by this Amendment makes clear the present requirement that the PMA holder shall establish and maintain an FIS which assures that parts manufactured under that FIS conform to the design data, and are safe for installation on type certificated products. Thus, under both the current rule and this amendment the PMA holder has the responsibility of ensuring that all of the manufacturing is accomplished in accordance with his FIS. The revision makes no change with respect to the standards that the FIS must meet or the inspections and procedures that may be necessary to implement the FIS. Contrary, however, to the belief expressed by some commentators with respect to implementing an FIS, the FAA does not agree that the requirements can be met as to all PMA parts without some required FIS inspections being conducted at supplier manufacturing facilities. Furthermore, it should be noted that nothing in the rule prevents a PMA applicant or holder from adopting, as part of its FIS, the inspection or quality control system of the person performing the manufacturing if the system meets the requirements of the regulations.

Most commentators had no objection in principle to the proposals related to FAA approval of FIS's. A number of them, however, expressed the opinion that the FIS requirements should be made as consistent as possible with the requirements applicable to other FAA production approvals. The FAA agrees. Accordingly, those proposals are withdrawn for further study and future rulemaking action.

In addition to commenting on the changes to the regulations proposed by the FAA in Notice 74-24, a number of commentators requested other changes pertaining to FAA design and production approvals, including revision of the regulations (1) to require all applicants for PMA's to submit the design data, test reports, and computations necessary to establish that the design of the part meets the applicable airworthiness requirements, by deleting from § 21.303(c)(4) the provision permitting the use of the comparative method of establishing conformity to the design data; (2) to require full and accurate identification of PMA parts, units or assemblies incorporating PMA parts, and that such information be entered in the maintenance records of the aircraft and aircraft engines in which the parts are installed; and (3) to permit the holders of other FAA production approvals to use the statistical quality control procedures now authorized for PMA holders in § 21.303(h)(5), or to delete such authorization from that section.

The FAA appreciates all comments received in response to Notice 74-24 and they will be considered in the FAA study referred to above.

Finally, it is noted that some commentators expressed interest in a public hearing prior to FAA action on certain of the proposals contained in Notice 74-24. Inasmuch as this amendment does not adopt any of the proposals to which those persons objected, such a hearing is unnecessary.

This amendment is made under the authority of sections 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)).

In consideration of the foregoing, and for the reasons set forth in Notice 74-24 except as modified herein, Part 21 of the Federal Aviation regulations is amended as follows, effective January 4, 1975, by amending § 21.303(a), the introductory portion of paragraph (h) and paragraph (j) to read as follows:

§ 21.303 Replacement and modification parts.

(a) Except as provided in paragraph (b) of this section, no person may produce a modification or replacement part for sale for installation on a type certificated product unless it is produced pursuant to a Parts Manufacturer Approval issued under this subpart.

* * * * *

(h) Each holder of a Parts Manufacturer Approval shall establish and maintain a fabrication inspection system that ensures that each completed part conforms to its design data and is safe for installation on applicable type certificated products. The system shall include the following:

* * * * *

(j) The holder of a Parts Manufacturer Approval shall notify the FAA in writing within 10 days from the date the manufacturing facility at which the parts are manufactured is relocated or expanded to include additional facilities at other locations.

* * * * *

Issued in Washington, D.C. on November 27, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74-28310 Filed 12-3-74;8:45 am]

[Docket No. 74-EA-83; Amdt. 39-2038]

PART 39—AIRWORTHINESS DIRECTIVES

Leigh Systems Emergency Locator Transmitters

The Federal Aviation Administration is amending section 39.13 of Part 39 of the Federal Aviation Regulations so as to limit application of AD 74-20-10 which applies to Leigh Systems Emergency Locator Transmitters (ELT).

Leigh Systems has developed a process for potting or enclosing Lithium Batteries in compartmentized cases which prevents corrosion of transmitter parts, and has modified batteries having serial numbers 60,000 through 61,501 and numbers 74,501 and above. ELT batteries so processed do not present the hazard to air safety that AD 74-20-10 was intended to correct.

In view of the foregoing and because this rule relieves in part the restriction imposed by AD 74-20-10, notice and public procedure hereon are unnecessary and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 74-20-10 as follows:

Amend the applicability provision to read as follows:

Emergency Locator Transmitters Leigh Systems Sharc 7 series—Applies to all Leigh Systems Sharc 7 Series Emergency Locator Transmitters equipped with Lithium Batteries except serial numbers 60,000 through 61,501 inclusive and serial numbers 74,501 and above.

Delete paragraph 1 and substitute the following:

1. Identify ELTs equipped with Lithium Batteries by inspecting identification tags.

Batteries having a weight of 1.5 or 1.7 pounds are Lithium Batteries.

This amendment is effective December 9, 1974.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421 and 1423], and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on November 25, 1974.

JAMES BISPO,
Deputy Director,
Eastern Region.

[FR Doc.74-28243 Filed 12-3-74;8:45 am]

[Airspace Docket No. 74-SW-40]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter controlled airspace in the El Paso, Tex., terminal area.

On October 3, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 35675) stating the Federal Aviation Administration proposed to alter the El Paso, Tex., control zone and transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 30, 1975, as hereinafter set forth.

1. In § 71.171 (39 FR 354), the El Paso, Tex., control zone is amended to read:

EL PASO, TEX.

That airspace bounded by a line beginning at latitude 31°45'45" N., longitude 106°27'43" W.; thence clockwise along the arc of a 6-mile radius circle centered at the El Paso International Airport (latitude 31°48'35" N., longitude 106°22'55" W.) to latitude 31°-49'46" N., longitude 106°28'34" W.; thence clockwise along the arc of a 6-mile radius circle centered at latitude 31°50'55" N., longitude 106°22'45" W.; to latitude 31°55'12" N., longitude 106°26'00" W.; to latitude 31°-56'20" N., longitude 106°26'00" W.; thence clockwise along the arc of a 7-mile radius circle centered at latitude 31°50'55" N., longitude 106°22'45" W.; to latitude 31°47'30" N., longitude 106°16'45" W.; thence clockwise along the arc of a 6-mile radius circle centered at the El Paso International Airport; to latitude 31°43'15" N., longitude 106°22'20" W.; thence via the United States/Mexican border to point of beginning.

2. In § 71.181 (39 FR 440), the El Paso, Tex., transition area is amended to read:

EL PASO, TEX.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the El Paso International Airport (latitude 31°48'35" N., longitude 106°22'55" W.) extending clockwise from the 261° to the 278° bearings from the El Paso International Airport; within a 9-mile radius of the Biggs AAF (latitude 31°50'55" N., longitude 106°-22'45" W.) extending clockwise from the 262° to the 029° bearings from the Biggs AAF; within 2 miles each side of the Newman, Tex., VORTAC 040° radial extending from the 9.5-mile radius area to 12 miles NE of the VORTAC; within a 15-mile radius of the El Paso International Airport extending clockwise from the 041° to the 161° bearings of the El Paso International Airport; thence via the United States/Mexican border to point of beginning.

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

Issued in Fort Worth, Tex., on November 25, 1974.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.74-28244 Filed 12-3-74;8:45 am]

[Airspace Docket No. 74-CE-34]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Clinton, Iowa, transition area.

The name of the Cordova VORTAC is being changed to Davenport VORTAC. Accordingly, it is necessary to alter the Clinton, Iowa transition area description to reflect this change.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., January 30, 1975, as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is amended to read:

CLINTON, IOWA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Clinton Municipal Airport (latitude 41°49'55" N., longitude 90°19'45" W.); within 2 miles each side of the Davenport VORTAC 043° radial, extending from the 7-mile radius area to the VORTAC; and within 8 miles southwest and 5 miles northeast of the 324° bearing from Clinton Municipal Airport, extending from the airport to 12 miles northwest of the airport.

Issued in Kansas City, Missouri, on November 21, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-28245 Filed 12-3-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-884]

[Reg. ER-884; Consolidation, Recodification and Revision]

PART 202—CERTIFICATION AUTHORIZING SCHEDULED ROUTE SERVICE; TERMS, CONDITIONS AND LIMITATIONS

Consolidation, Recodification and Revision

Correction

In FR Doc. 74-23832, appearing at page 40255 in the issue of Friday, November 15, 1974, immediately after the sixth line of § 292.13(a) on page 40256, a new line should be added, reading "ularly through an airport not then reg".

[Reg. ER-887, Amdt. 4]

PART 244—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR AIR FREIGHT FORWARDERS AND INTERNATIONAL AIR FREIGHT FORWARDERS; FILING OF REPORTS BY FOREIGN AIR FREIGHT FORWARDERS AND COOPERATIVE SHIPPERS ASSOCIATIONS

Correction

In FR Doc. 74-26832, appearing at page 40260 in the issue of Friday, November 15, 1974, the following changes should be made:

1. In the first paragraph of the second column on page 40263, the fourth word in the third line, now reading "die", should read "due".

2. On page 40270, the following heading should precede the table: "Section 5—Chart of Income and Expense Accounts".

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 377—SHORT SUPPLY CONTROLS

SCRAP EXPORTS

Revision of Unique Hardship Quota Set Aside for Fourth Quarter 1974

The quantity of ferrous scrap available for licensing under unique hardship conditions in the fourth quarter 1974, originally fixed at 50,000 short tons, has been increased to 111,000 short tons. This does not increase the overall 4th quarter quota of 2.1 million short tons, but merely transfers unused portions of other 4th quarter allocations. Following the December 13, 1974 deadline for filing license applications against historical quotas, any unused portions of these quotas will also be added to the unique hardship set aside. The hardship criteria set forth in § 377.3 will be applicable in considering applications.

Accordingly, Supplement No. 1 to Part 377 of the Export Administration Regulations (15 CFR Part 377) is amended by adding a note to the end to read as follows:

NOTE: Any quantities not licensed under the quotas and set asides listed above will

be added to the "Unique Hardship Set-Aside."

Effective date: November 29, 1974.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.74-28305 Filed 11-29-74;1:48 pm]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2545]

PART 13—PROHIBITED TRADE PRACTICES

Eastern Investors Company, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages or connections*; 13.15-195 Nature; 13.15-265 Service; § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.155 *Prices;* 13.15595 Terms and conditions. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed;* § 13.677 *Delaying or failing to deliver goods or provide services or facilities.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1490 *Nature;* § 13.-1553 *Services. Goods:* § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1697 *Opportunities in product or service.* Prices: § 13.1823 *Terms and conditions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1892 *Sales contract, right-to-cancel provision.*

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45)) [Cease and desist order, Eastman Investors Company, Inc., et al., Statesville, N.C., Docket C-2545, Sept. 13, 1974]

In the Matter of Eastern Investors Company, Inc., a Corporation and William R. Stacy Individually and as an Officer of Said Corporation

Consent order requiring a Statesville, N.C., seller and distributor of vending machines and merchandise for them, among other things to cease using false earnings claims and other misrepresentations. Further, respondent must give future distributors a three-day right of cancellation with full refund rights, and make immediate refunds to prospective distributors who show violations of this order or have signed leasing agreements but have not received products purchased by the effective date of this order.

The decision and order, including further order requiring report of compliance therewith is as follows: [1]

It is ordered, That respondents Eastern Investors Company, Inc., a corporation, its successors and assigns, and its officers, and William R. Stacy, individually and as an officer of said corporation, and respondents agents, representatives and employees, directly or through any corporation, subsidiary, divisions or other device, in connection with the advertising, offering for sale, sale or distribution of vending machines, merchandise sold in vending machines, and any other products or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication, that:

1. Distributors will earn or can reasonably expect to earn or receive any stated or gross or net amount of earnings or profits; or representing, in any manner the past earnings of distributors unless in fact the past earnings represented are those of a substantial number of distributors and accurately reflect the average earnings of said distributors under circumstances similar to those of the person to whom the representation is made.

2. Respondents will deliver their merchandise within a specific period of time, or on a specific date, unless in each instance such delivery is made as represented by respondents; subject to any possibilities of delay which will be disclosed in writing at the point of sale; or misrepresenting in any manner the time within which respondents' merchandise will be delivered.

3. Respondents, their agents, representatives or employees will secure high traffic vending machine locations for their distributors, unless in each instance such high traffic locations are secured as represented by respondents; or misrepresenting, in any manner, the amount of time and effort respondents will spend in attempting to obtain such locations for their distributors.

4. Distributors will be trained or assisted in the operation of their distributorship or misrepresenting, in any manner, the quality, amount or nature of training or assistance respondents will provide their distributors.

5. Respondents are primarily in the business of selling merchandise sold in vending machines or misrepresenting in any manner the true nature of respondents' business activities.

6. Respondents will sell vending machines under a leasing agreement unless in each instance the leasing agreement is arranged within ten days of receipt by respondents of a downpayment.

7. Distributors need not make a capital investment to obtain respondents vending machines or misrepresenting, in any manner the amount of money a prospective distributor must invest to obtain a distributorship.

It is further ordered, That respondents:

a. Inform orally all prospective distributors and customers and provide in writing in all contracts entered into after the effective date of this order, that (1) the contract may be canceled for any reason by notification to respondents in writing within three days from the date of execution and that (2) respondents obligations will not be fulfilled until vending machine locations are secured as represented.

b. Refund immediately all monies received on contracts entered into after the effective date of this order to (1) prospective distributors who have requested contract cancellation in writing within three days from the execution thereof and to (2) prospective distributors showing that respondents' contract, solicitations or performance were attended by or involved violations of any of the provisions of this order in contracts entered into after effective date of this order.

c. Refund immediately all monies received on contracts entered into before the effective date of this order to distributors who have signed a leasing agreement and who have not received, as of the effective date of this order, all of the vending machines, or other products which had been purchased from respondents.

It is further ordered, That respondents maintain files containing all inquiries or complaints on contracts entered into after the effective date of this order from any source relating to acts or practices prohibited by this order, for a period of two (2) years after their receipt, and that such files be made available for examination by a duly authorized agent of the Federal Trade Commission during the regular hours of the respondents' business for inspection and copying.

It is further ordered, That respondents deliver a copy of this order to Cease and Desist to all present and future employees, agents and representatives engaged in the offering for sale or sale of respondents' distributorships or products or in any aspect of preparation, creation or placing of advertising and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and his affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

[1] Copies of the complaint, decision and and order, filed with the original document.

The decision and order was issued by the Commission, September 13, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-28266 Filed 12-3-74;8:45 am]

[Docket C-2548]

PART 13—PROHIBITED TRADE PRACTICES

Forever Young, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.15 *Business status, advantages or connections;* 13.15-225 Personnel or staff; 13.15-237 Professional or scientific status; 13.15-250 Qualifications and abilities; § 13.100 *Individual attention;* § 13.105 *Individual's special selection or situation;* § 13.135 *Nature;* § 13.170 *Qualities or properties of product or service;* 13.170-24 Cosmetic or beautifying; 13.170-30 Durability or permanence; 13.170-52 Medicinal, therapeutic, healthful, etc.; § 13.190 *Results;* § 13.195 *Safety;* § 13.205 *Scientific or other relevant facts;* § 13.280 *Unique nature or advantages.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1520 *Personnel or staff;* § 13.1535 *Qualifications.*—Goods: § 13.1660 Individual attention; § 13.1663 *Individual's special selection or situation;* § 13.1685 *Nature;* § 13.1710 *Qualities or properties;* § 13.1715 *Quality;* § 13.1725 *Refunds;* § 13.1730 *Results;* § 13.1740 *Scientific or other relevant facts;* § 13.1770 *Unique nature or advantages.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 *Nature;* § 13.1885 *Qualities or properties;* § 13.1890 *Safety;* § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions;* §§ 13.1905-50 Sales contract.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45, 52)) [Cease and desist order, Forever Young, Inc., et al., Denver, Colo., Docket C-2548, Sept. 17, 1974]

In the Matter of Forever Young, Inc., a Corporation, Ralph J. Phillipps, Individually and as an Officer of Said Corporation, and Ethel R. Jones, Individually

Consent order requiring a Denver, Colo., seller and licensor of a medical process involving the chemical peeling of the skin, among other things to cease misrepresenting the safety and results of its medical treatment to remove facial wrinkles and blemishes. Further, respondent must devote 15 percent of its advertising or oral presentations to disclosure of the inherent dangers involved in the treatment. In addition, the order requires the firm to recall all material not in conformity with the order and to require each patient to get approval from a physician before signing a contract. The firm must also allow purchasers a 48-hour cooling-off period after consultation with Forever Young's physician and inspection of the treatment and recuperation facilities, and allow full refunds to all purchasers exercising this right.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

I. *It is ordered,* That respondents Forever Young, Inc., a corporation, its successors and assigns, and its officers, and Ralph J. Phillipps, individually and as an officer of said corporation, and Ethel R. Jones, individually, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, or through any franchisees or licensees, in connection with the offering for sale, sale, or dispensing of any chemical skin-peeling treatment or any similar process, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing in writing, orally, visually, or in any other manner, directly or by implication, that:

1. Said process is solely a cosmetic process.

2. Said process is not a medical process.

3. Said process does not involve surgery.

4. Said process involves no abrasive chemicals.

5. Said process is painless or involves only minor discomfort.

6. Said process is safe.

7. The result of said process is a new, fresh or clear appearance.

8. Said process can be safely or successfully performed on the neck.

9. Said process is comparable or superior to other techniques of plastic surgery.

10. Said process can remove or significantly reduce acne scars, big pores, deep lines, deep wrinkles, or sagging, redundant folds of skin.

11. Said process can be safely or successfully performed on many different kinds of people.

12. Said process can be safely or successfully performed on men, young people, elderly people, or dark-skinned people.

13. Patients for said process are carefully selected.

14. Patients for said process are interviewed, examined, diagnosed, advised, or selected by a professional counselor or like person.

15. Said treatment is given at a clinic.

16. Said process is performed entirely by qualified medical personnel.

17. Said process is complete within any specified period of time.

18. Said process will cause patients to appear any number of years younger than their actual age.

19. Any more youthful appearance achieved through said process is of permanent duration.

20. Said process is unique in any one or more of several ways, including:

a. That it is new or special,

b. That is involves a secret formula or secret solution,

c. That said process is only available in Denver or only through respondents,

d. That said process is not available in a prospective patient's own state or local community.

B. Advertising, offering for sale, selling, or in any manner dispensing chemical skin-peeling or any other like process, unless respondents make clear and conspicuous disclosures in all advertising, including oral sales presentations, that:

1. Said process is chemical skin-peeling, a serious medical procedure known as chemosurgery.

2. Chemical skin-peeling invloves application of an acid called phenol to the skin, causing a second-degree burn which peels off the outer layers of the skin and produces a change in skin appearance solely by the body's own wound-healing reactions.

3. The pain associated with the process can be very severe; thus patients are sedated or anesthetized during the application of acid. This pain, as well as other discomforts, such as burning, itching, and swollen shut eyes, may persist for days or weeks afterward, requiring medication to control.

4. Chemical skin-peeling has a number of known possible inherent dangers, including: (a) poisoning of a person's entire system by the acid absorbed through the skin, which can be serious, even fatal, illness; (b) infection; (c) blindness, if the acid gets in a patient's eyes; (d) other complications resulting from the traumatic nature of the procedure or the medications used.

5. Respondents do not provide the personnel, facilities, equipment, or techniques on the premises adequate to prevent or minimize the above-described side effects.

6. A number of undesirable changes in the skin often result from chemical skin-peeling, necessitating the continual use of cosmetics or medical techniques to protect, treat, or camouflage the skin. These may include: (a) permanent scarring; (b) changes in overall color of the treated area; (c) mottling; (d) a line of demarcation at the edge of the treated area; (e) extreme redness; (f) abnormal sensitivity to sunlight; (g) other traumatic skin reactions.

7. The most common sign of aging in the neck area, which is a stringy or "turkey-neck" condition of the skin and underlying tissues, is not improved by chemical skin-peeling.

8. Almost all plastic surgeons refuse to perform chemical skin-peeling on the neck because the neck is not likely to be improved by the process and may be worsened.

9. Only minor aspects of skin appearance, such as fine wrinkles and some skin blemishes, can be treated by the process.

10. Acne scars, big pores, deep lines, deep wrinkles, and sagging or redundant

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[1] Copies of the complaint, decision and order filed with the original document.

folds of skin are not removed or significantly reduced by the process, yet some of these conditions may be improved by other techniques of plastic surgery, such as dermabrasion or surgical face-lift.

11. Men are not advised to undergo the process because of difficulties associated with beard growth and the necessity for continual use of cosmetics.

12. A young person whose skin has not matured should not undergo the process, because of the risk of permanent skin damage.

13. Dark-skinned persons should not undergo the process because of the probability of drastic pigmentation changes.

14. Only certain kinds of people with certain types of skin have a reasonable chance of receiving favorable results and avoiding adverse effects from chemical skin-peeling, and only a licensed medical practitioner familiar with such techniques of plastic surgery and able to evaluate complex physical, mental and emotional factors is qualified to examine, diagnose, advise, select, or mentally pre- and only such a professional person can pare patients for chemical skin-peeling, provide post-operative advice and care for patients.

15. Respondents' sales representatives, franchisees, or licensees are not qualified as indicated above to examine, diagnose, advise, select, or mentally prepare patients for chemical skin-peeling or provide patients with the proper medical advice or care if complications develop after treatment.

16. Although a treatment of this serious nature is usually performed in a hospital, respondents only rent space on a temporary basis in a nursing home for each patient's treatment and recuperation.

17. It may be weeks or months after the treatment before the skin is healed, during which time a treated person has an extremely red face, may suffer various discomforts, and may have to restrict public activities, avoid direct or reflected sunlight and use heavy cosmetics and sun screens.

18. If a more youthful appearance is achieved through the treatment, the result may not last more than a year or two, since part of the benefit is due to temporary swelling and since natural aging processes begin all over again after the treatment.

19. Chemical skin-peeling is available from qualified plastic surgeons under closely controlled hospital conditions in metropolitan areas across the country, and they may charge substantially less.

Respondents shall set forth the above disclosures separately and conspicuously from the balance of each advertisement or presentation used in connection with the advertising, offering for sale, sale, or dispensing of said process, and shall devote no less than fifteen percent of each advertisement or presentation to such disclosures. *Provided however*, That in advertisements which consist of less than forty-eight column inches in newspapers or periodicals, and in radio or television advertisements with a running time of two minutes or less, respondents may substitute the following statement, in lieu of the above requirements:

"WARNING: This is a medical procedure—basically a chemical burn which peels skin away. It is extremely painful, takes a long time to heal, and exposes a person to risks of poisoning, infection, permanent scarring, and other medical complications. If performed on the neck, the process may make it look worse. Many signs of aging are not improved by this process, and the benefit, if any, is mainly temporary. Only certain kinds of people can benefit from this process, and they should be diagnosed, selected, treated, and continually cared for by a qualified doctor. Closely controlled medical conditions are not presently provided on the premises. (Statement required by order of the Federal Trade Commission.)"

Respondents shall set forth the above disclosure separately and conspicuously from the balance of each advertisement, stating nothing to the contrary thereto, and shall devote no less than fifteen percent of each advertisement to such disclosure, and if such disclosure is made in print, it shall be in at least eleven-point type.

C. Disseminating or causing to be disseminated by United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in Paragraph A above, or which fails to make the disclosures required by Paragraph B above.

D. Disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such process, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in Paragraph A above, or which fails to make the disclosures required by Paragraph B above.

II. *It is further ordered*, That respondents Forever Young, Inc. and Ralph J. Phillipps:

A. Recall and retrieve, from each and every franchisee, licensee, and sales representative, all advertisements and materials upon which advertisements or oral sales presentations are based, which contain any of the representations prohibited by Paragraph I–A of this order or which fail to make the disclosures required by Paragraph I–B.

B. Deliver a copy of this order to each present and every future franchisee, licensee, and sales representative, and upon each licensed medical practitioner associated with respondents or their licensees, and obtain written acknowledgement of the receipt thereof.

C. Obtain from each present and future franchisee, licensee, or sales representative an agreement in writing (a) to abide by the terms of this order, and (b) to cancellation of their license or franchise for failure to do so.

D. Cancel the license or franchise of any licensee or franchisee that fails to abide by the terms of this order.

III. *It is further ordered*, That respondents:

A. Provide prospective and present patients, as soon as possible after initial sales contact is made with such person and before such person signs any document relating to said process, an information sheet which shall be furnished to the patient and which contains nothing but the disclosures, numbered 1 to 19, set forth in Paragraph I–B above. Respondents shall allow these persons ample, uninterrupted opportunity to read and consider the contents of this information sheet. Respondents shall retain a copy of this information sheet, after it is signed and dated by the person, for a period of three years.

B. Require that each such prospective patient, after receipt of the information sheet described above and before he or she signs any contract for said process, consult with a licensed physician, who is not in any way associated with or recommended by the respondents, regarding the nature of chemical skin-peeling, its dangers, discomforts, limitations, and alternatives. Respondents shall obtain from each prospective patient a certificate, signed by the physician who was thus consulted, specifying that the physician:

1. Understands what said process is;

2. Has explained to the prospective patient the nature of the treatment, its dangers, discomforts, limitations and alternatives;

3. Has conducted or has examined the results of tests appropriate to determine the prospective patient's physical fitness to undergo said process and has discussed these results with the prospective patient; and

4. Has reviewed appropriate aspects of the prospective patient's medical history and has discussed these aspects with the prospective patient.

This certificate shall specify the date of the consultation, and respondents shall retain all such certificates for three years.

IV. *It is further ordered*, That no contract for said process shall become binding on the patient prior to forty-eight hours after the patient has consulted with the physician who will perform the treatment and has inspected the treatment and recuperation facilities, and that:

A. Respondents shall clearly and conspicuously disclose, orally prior to the time of sale, and in writing on any contract, promissory note or other instrument signed by the patient, that the purchaser may rescind or cancel any obligation incurred, with return of all monies paid, by placing in the mail or delivering a notice of cancellation to respondents' headquarters office prior to the end of this period.

B. Respondents shall provide a separate and clearly understandable form which the purchaser may use as a notice of cancellation.

C. Respondents shall return to such patient, within forty-eight hours after

receipt of notice of cancellation, all monies paid.

D. Respondents shall not negotiate any contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to the time the patient is treated.

E. A patient may waive the forty-eight hour waiting period and be treated earlier, but only after sixteen hours have passed since the patient's consultation with the physician who will perform the treatment and since the patient's inspection of the aforementioned facilities.

V. *It is further ordered,* That respondents cease and desist from using any person other than a licensed medical practitioner, who is familiar with such techniques of plastic surgery, who is operating within the limits of his or her profession and who is qualified to evaluate complex physical, mental and emotional factors: (1) To examine, diagnose, advise, select, or mentally prepare prospective patients for chemical skin-peeling, (2) to treat such patients, or (3) to provide post-operative advice or care for them.

VI. *It is further ordered,* That respondents maintain at all times in the future, complete business records relative to the manner and form of their continuing compliance with the above terms and provisions of this order. Each record shall be retained by respondents for three years after such record is made.

VII. *It is further ordered,* That the corporate respondent notify the Commission at least thirty (30) days prior to any proposed change in said respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, licensees, or franchisees, or any other change in the corporation which may affect compliance obligations arising out of this order.

VIII. *It is further ordered,* That the individual respondents named herein promptly notify the Commission of the discontinuance of his or her present business or employment, and of his or her affiliation with a new business or employment, in the event of such discontinuance or affiliation. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he or she is engaged as well as a description of his or her duties and responsibilities.

IX. *It is further ordered,* That the respondents herein shall within sixty (60) days after service upon them of this order file with the Commission a report, in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with this order.

Decision and order issued by the Commission Sept. 17, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-28262 Filed 12-3-74;8:45 am]

[Docket C-2306]

PART 13—PROHIBITED TRADE PRACTICES

Great Western United Corporation, et al.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147 (15 U.S.C. 45, 1601–1605)) [Modified order, Great Western United Corporation, et al., Denver, Colo., Docket C-2306, Oct. 1, 1974]

In the Matter of Great Western United Corporation, Great Western Cities, Inc., California City Realty Company, California City Development Company, Great Western Cities Realty, Colorado City Realty Company, Colorado City Development Company, and GWU Properties, Inc. Each of Which Are Corporations

Order modifying previous Commission order, 81 F.T.C. 661, as modified, 82 F.T.C. 1263 and 83 F.T.C., 37 FR 25490, 38 FR 12334, and 39 FR 2084, against a Denver, Colo., real estate developer, by altering and modifying Paragraphs IB1 and IB3 of the order relative to the required disclosure of certain statements in printed advertisements concerning real estate projects.

The order reopening proceedings and modifying order of Dec. 14, 1973 is as follows:

It is ordered, That Paragraphs IB1 and IB3 be altered and modified to read as follows:

IB1

Failing to clearly and conspicuously disclose the following statement in all printed advertisements concerning California City:

Obtain the HUD Property Report from the developer and read it before signing anything. HUD neither approves the merits of the offering nor the value, if any, of the property.

IB3

Failing to clearly and conspicuously disclose the following statement in all printed advertisements concerning real estate projects other than California City, however limited to projects in existence at the time this order becomes effective and to any future projects (1) covered by the Interstate Land Sales Full Disclosure Act, and (2) where the property interest being offered is held in any form by respondents or any of their affiliates:

Obtain the HUD Property Report from the developer and read it before signing anything. HUD neither approves the merits of the offering nor the value, if any, of the property.

Modified order issued by the Commission October 1, 1974.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.74-28263 Filed 12-3-74;8:45 am]

[Docket C-2551]

PART 13—PROHIBITED TRADE PRACTICES

Logan Ford Co.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.35 *Condition of goods;* § 13.140 *Old, reclaimed or reused product being new.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1595 *Condition of goods;* § 13.1695 *Old, secondhand, reclaimed or reconstructed as new.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45.)) [Cease and desist order, Logan Ford Co., Springfield, Va., Docket C-2551, Sept. 23, 1974]

In the Matter of Logan Ford Co., a Corporation

Consent order requiring a Springfield, Va., new and used car dealer, among other things to cease misrepresenting that any vehicle is new when it has been used in any manner other than the limited use necessary in moving or road testing prior to delivery to customer.

The decision and order, including further order requiring report of compliance therewith is as follows:[1]

It is ordered, That respondent Logan Ford Co., a corporation, its successors and assigns and its officers, and respondent's agents, representatives and employees directly or through any corportation, subsidiary, division or other device in connection with the advertising, offering for sale, sale or distribution, service and repair of new and used motor vehicles, or any other products or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, orally or in writing, directly or by implication, that any vehicle is new when it has been used in any manner other than the limited use necessary in moving or road testing a new vehicle prior to delivery of such vehicle to the customer.

2. Offering for sale or selling any vehicle of the current or previous model year, which has been used, in any manner, other than the limited use referred to in paragraph 1., above, without orally disclosing, prior to any sales presentation the nature and extent of such previous use of said vehicle.

3. Advertising any vehicle of the current or the previous model year which has been used in any manner, other than the limited use referred to in paragraph 1., above, without clearly and conspicuously disclosing in any and all advertising thereof the nature of such previous use of said vehicle.

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[1] Copies of the complaint, decision and order, filed with the original document.

4. Displaying, offering for sale or selling any vehicle of the current or the previous model year which has been used in any manner, other than the limited use referred to in paragraph 1., above, without clearly and conspicuously disclosing by decal or sticker affixed to the inside of the side window containing the manufacturer's suggested retail price or "Monroney sticker", or if space is not available thereon, in close proximity thereto, so as to be clearly visible, the nature of such previous use of said vehicle. Said decal or sticker shall also contain the following statement: "FOR EXACT MILEAGE, SEE ODOMETER."

5. Misrepresenting, orally or in writing, directly or by implication, the nature or extent of previous use or condition of any vehicle displayed, offered for sale or sold.

It is further ordered:

(a) That the respondent shall forthwith distribute a copy of this order to each of its operating divisions;

(b) That respondent deliver a copy of this order to cease and desist to all present and future personnel engaged in the offering for sale, or sale, of any motor vehicle, or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person;

(c) That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order; and

(d) That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

The decision and order was issued by the Commission, September 23, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-28261 Filed 12-3-74;8:45 am]

[Docket C-2554]

PART 13—PROHIBITED TRADE PRACTICES

Leo Kasan

Subpart—Importing, manufacturing, selling and/or transporting flammable wear or other merchandise: [1] § 13.1060 *Importing, manufacturing, selling and/or transporting flammable wear or other merchandise.*[1] Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* 13.1108-45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; (15 U.S.C. 45, 69f)) [Cease and desist order, Leo Kasan, New York City, Docket C-2554, Oct. 3, 1974]

In the Matter of Leo Kasan, an Individual, Trading as Leo Kasan

Consent order requiring a New York City importer and distributor of furs, among other things to cease falsely and deceptively invoicing his furs and fur products. Further, respondent must cease importing furs into this country without first filing a bond with the Secretary of the Treasury in a sum double the value of said furs and any duty thereon.

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

It is ordered, That respondent Leo Kasan, individually and trading as Leo Kasan or trading under any other name, his successors and assigns, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or importing for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment in commerce, of furs or fur products, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

Falsely or deceptively invoicing any fur or fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on an invoice pertaining to such fur or fur product any false or deceptive information with respect to the name or names of the animal or animals that produced the fur.

3. Setting forth on an invoice pertaining to such fur or fur product the name or names of any animal or animals other than the name of the animal that produced the fur as specified in the Fur Products Name Guide.

It is further ordered, That the respondent forthwith cease and desist from importing furs or fur products into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said furs or fur products and any duty thereon, conditioned upon compliance with the provisions of section 6 of the Fur Products Labeling Act.

It is further ordered, That respondent promptly notify the Commission of the discontinuance of his present business or employment and his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist contained herein.

The decision and order was issued by the Commission, October 3, 1974.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.74-28265 Filed 12-3-74;8:45 am]

[Docket C-2552]

PART 13—PROHIBITED TRADE PRACTICES

Ponder & Best, Inc.

Subpart—Discriminating between customers: § 13.685 *Discriminating between customers;* 13.685-5 Clayton Act.[1] Subpart—Discriminating in price under Section 2, Clayton Act—Price discrimination under 2(a): § 13.730 *Customer classification.*—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*—Furnishing services or facilities for processing, handling, etc., under 2(e): § 13.830 *Furnishing services or facilities.*[2]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 56. Interprets or applies sec. 2, 49 Stat. 1526; (15 U.S.C. 13)) [Cease and desist order, Ponder & Best, Inc., Santa Monica, Calif., Docket C-2552, Oct. 1, 1974]

In the Matter of Ponder & Best, Inc., a Corporation

Consent order requiring a Santa Monica, Calif., importer and distributor of photographic equipment and other products, among other things to cease discriminating in prices, promotional allowances and services or facilities between competing sellers and distributors of its goods.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondent Ponder & Best, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of photographic equipment and supplies, optical instruments and lenses, electronic equipment for automobile and home entertainment, and electronic calculating machines in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Discriminating, directly or indirectly, in the price of such products of like grade and quality by selling to any purchaser at net prices higher than the net prices charged any other purchaser competing in the sale or distribution of such products with such unfavored purchaser;

2. Making or contracting to make to or for the benefit of any customer any

[1] Revised.

[2] Copies of the complaint, decision and order, filed with the original document.

[1] New.

[2] Copies of the complaint, decision and order filed with the original document.

payment of anything of value as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, sale, or offering for sale of such products unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the sale or distribution of such products; and

3. Discriminating in favor of any purchaser against any other competing purchaser or purchasers of any product bought for resale, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the handling, sale, or offering for sale of such products so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

As used in this order "photographic equipment and supplies" shall include all photographic apparatus, equipment, parts, attachments, and accessories, such as still and motion picture cameras, projection and enlargement apparatus, photocopy and microfilm equipment, exposure meters, tripods, lens shades and filters, and other photographic equipment; sensitized film, paper, cloth, and photographic chemicals for use therewith; and developing machines, tanks and other equipment, photographic driers and mounting presses. As used in this order "optical instruments and lenses" shall include photographic, magnifying, projection and instrument lenses, lens mounts, binoculars, microscopes and other optical instruments, equipment and accessories. As used in this order "electronic equipment for automobile and home entertainment" shall include radios and televisions, phonographs and reel, cassette and cartridge tape recorders and players, loudspeakers, amplifiers, and other electronic entertainment equipment and accessories for use in the home, automobile or any other place. As used in this order "electronic calculating machines" shall include pocket and desk calculators, and accessories.

It is further ordered, That respondent shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Decision and order issued by the Commission October 1, 1974.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.74-28264 Filed 12-3-74;8:45 am]

[Docket C-2549]

PART 13—PROHIBITED TRADE PRACTICES

Sunset Pools East, Inc., et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1892 *Sales contract, right-to-cancel provision;* 13.1892-2 Commencing contractual obligations prior to end of cooling-off period.[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147 (15 U.S.C. 45, 1601-1605))

[Cease and desist order, Sunset Pools East, Inc., et al., Upland, Calif., Docket C-2549, Sept. 17, 1974]

In the Matter of Sunset Pools East, Inc., a corporation, and Jack Feinberg, Individually and as an Officer of Said Corporation, and Leo Feinberg, Individually, and Gerald Brand, Individually

Consent order requiring an Upland, Calif., seller of swimming pools, among other things to cease neglecting to inform credit customers of their right to a three-day cooling-off period during which they may cancel their contract; and making any physical changes to or performing any work or services on customers' property prior to the end of the three-day cooling-off period.

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

It is ordered, That respondents Sunset Pools East, Inc., a corporation, its successors, assigns, and its officers, and Jack Feinberg, individually and as an officer of said corporation, and Leo Feinberg and Gerald Brand, individually, and respondents' agents representatives, and employees, directly or through any corporation subsidiary, division or other device, in connection with any extension of, or arrangement for the extension of, consumer credit, as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing in any transaction in which respondents retain or acquire a security interest in real property which is used or expected to be used as the principal residence of the customer, to give such customer the right to rescind by midnight of the third business day following the consummation of the transaction or the date of delivery of all disclosures required by Regulation Z, whichever is later, or to give notice of the right to rescind to such customers, as required by §§ 226.9 (a) and (b) of Regulation Z.

2. Making any physical changes in the customer's property or performing any work or services on such property before expiration of the three-day rescission period provided for in § 226.9(a) of Regulation Z, in any transaction in which respondents retain or acquire a security interest in real property which is used or is expected to be used as the principal residence of the customer as provided in § 226.9(c) of Regulation Z.

3. Failing in any transaction in which respondents retain or acquire a security interest in real property which is used or expected to be used as the principal residence of the customer to comply with all requirements regarding the right of rescission set forth in § 226.9 of Regulation Z.

It is further ordered, That respondents do the following:

(a) Deliver a copy of the following notice to all present and future personnel of respondents engaged in the consummation of any extension or arrangement for the extension of consumer credit:

NOTICE

TO: ALL SALESMEN AND ALL OPERATING DIVISION PERSONNEL, SUNSET POOLS EAST, INC.

We are required by the Federal Trade Commission to advise you of the following legal requirements.

Regulation Z (Truth in Lending Act) requires the following (among other things):

1. In any transaction in which a security interest in real property, which is used or expected to be used as the principal residence of the customer, is retained or acquired, such customer must be given the right to rescind by midnight of the third business day following the consummation of the transaction or the date of delivery of all disclosures required by Regulation Z, whichever is later. Notice of the right to rescind must be given to such customers, as required by § 226.9 (a) and (b) of Regulation Z.

2. No physical changes may be made in the customer's property and no work or services performed on such property before expiration of the three-day rescission period provided for in § 226.9(a) of Regulation Z, in any transaction in which the company retains or acquires a security interest in real property which is used or is expected to be used as the principal residence of the customer.

3. In any transaction in which a security interest in real property which is used or expected to be used as the principal residence of the customer is retained or acquired, you must comply with all requirements regarding the right of rescission set forth in § 226.9 of Regulation Z.

(b) Advise such personnel described in (a) above that delivery of such "Notice" and the requirements set out therein are required by the terms of a Federal Trade Commission Order naming Sunset Pools East, Inc., Jack Feinberg, Leo Feinberg, and Gerald Brand as respondents.

(c) Immediately obtain from such personnel described in paragraph (a) above a signed and dated duplicate of the "Notice" described in paragraph (a) above. Such signed and dated duplicate "Notice" shall also have the following language on its face above the signature line:

I acknowledge receipt of a copy of the above Notice. I also acknowledge that I have been advised that delivery of such Notice and the requirements set out therein are required by the terms of a Federal Trade Commission Order naming Sunset Pools East, Inc., Jack Feinberg, Leo Feinberg, and Gerald Brand as respondents. This Order was entered pursuant to a Consent Agreement. Noncompliance with the terms of such Order may

[1] New.

[2] Copies of the complaint, decision and order, filed with the original document.

result in a substantial civil penalty to said respondents.

(d) Retain a copy of the signed and dated Notice for a period of two years.

It is further ordered, That the individual respondents named herein promptly notify the Commission of their discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The decision and order was issued by the Commission, September 17, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-28260 Filed 12-3-74;8:45 am]

[Docket C-2550]

PART 13—PROHIBITED TRADE PRACTICES

Ted Britt Ford Sales, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.35 *Condition of goods;* § 13.140 *Old, reclaimed or reused product being new.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1595 *Condition of goods;* § 13.1695 *Old, secondhand, reclaimed or reconstructed as new.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46.) Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45)) [Cease and desist order, Ted Britt Ford Sales, Inc., et al., Fairfax, Va., Docket C-2550, Sept. 23, 1974]

In the Matter of Ted Britt Ford Sales, Inc., a Corporation, and Myron G. Britt, Individually and as an Officer of said Corporation

Consent order requiring a Fairfax, Va., new and used car dealer, among other things to cease misrepresenting that any vehicle is new when it has been used in any manner other than the limited use necessary in moving or road testing prior to delivery to the customer.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Ted Britt Ford Sales, Inc., a corporation, its successors and assigns and its officers, and Myron G. Britt, individually and as an officer of said corporation, and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale or distribution, service and repair of new and used motor vehicles, or any other products or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, orally or in writing, directly or by implication, that any vehicle is new when it has been used in any manner, other than the limited use necessary in moving, road testing or customer trial of a new vehicle prior to delivery or transfer of title of such vehicle to a customer, but in no event shall the accrued mileage from road testing or customer trial of said vehicle exceed One Hundred Fifty (150) miles.

2. Offering for sale or selling any vehicle of the current or previous model year, which has been used, in any manner, other than the limited use referred to in paragraph 1., above, without orally disclosing, prior to any sales presentation the nature and extent of such previous use of said vehicle.

3. Advertising any vehicle of the current or the previous model year which has been used in any manner, other than the limited use referred to in paragraph 1., above, without clearly and conspicuously disclosing in any and all advertising thereof the nature of such previous use of said vehicle.

4. Displaying, offering for sale or selling any vehicle of the current or the previous model year which has been used in any manner, other than the limited use referred to in paragraph 1., above, without clearly and conspicuously disclosing by decal or sticker affixed to the inside of the side window containing the manufacturer's suggested retail price or "Monroney sticker", or if space is not available thereon, in close proximity thereto, so as to be clearly visible, the nature of such previous use of said vehicle. Said decal or sticker shall also contain the following statement: "FOR EXACT MILEAGE, SEE ODOMETER".

5. Misrepresenting, orally or in writing, directly or by implication, the nature or extent of previous use or condition of any vehicle displayed, offered for sale or sold.

It is further ordered:

(a) That respondents shall forthwith distribute a copy of this order to each of their operating divisions.

(b) That respondents deliver a copy of this order to cease and desist to all present and future personnel engaged in the offering for sale, or sale, of any motor vehicle, or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

(c) That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

(d) That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

(e) That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, settling forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission Sept. 23, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-28267 Filed 12-3-74;8:45 am]

[1] Copies of the complaint, decision and order filed with the original document.

Title 18—Conservation of Power and Water Resources

CHAPTER VIII—SUSQUEHANNA RIVER BASIN COMMISSION

PART 803—REVIEW OF PROJECTS

On June 25, 1974, notice of a public hearing regarding proposed rules that set forth the purposes and scope of review, application procedures, and hearing procedures was published in the FEDERAL REGISTER (39 FR 22990). After consideration of all such relevant matter as was presented by interested persons, the rules are hereby adopted. Copies can be obtained from the Susquehanna River Basin Commission, 5012 Lenker Street, Mechanicsburg, Pennsylvania 17055.

Effective date. This part shall become effective June 1, 1975.

ROBERT J. BIELO,
Executive Director.

Subpart A—Introduction

Sec.

803.1 General.
803.2 Definitions.
803.3 Projects requiring applications.
803.4 Projects requiring review.
803.5 Review by signatory parties of projects of concern to the Commission.
803.6 Effective date.

Subpart B—Application Procedure

803.20 Purpose of this subpart.
803.21 Preliminary consultations.

Sec.
803.22 Submission of application.
803.23 Contents of application.
803.24 Notice of receipt of application.
803.25 Staff review.

Subpart C—Public Hearing Procedure

803.40 Public hearing requirement.
803.41 Notice of public hearing.
803.42 Participants to a public hearing.
803.43 Representative capacity.
803.44 Description of project.
803.45 Adjudicatory hearing.
803.46 Presiding officer.
803.47 Memorandum of law or fact.
803.48 Consolidation of hearings.
803.49 Joint hearings.
803.50 Transcript.
803.51 Adjournments.

AUTHORITY: Sec. 3.4(9), 3.10, and 15.2, 84 Stat. 1509 et seq.

Subpart A—Introduction

§ 803.1 General.

(a) The Review of Projects is one of four major elements of the Commission's program and planning system. Other major elements are the Comprehensive Plan, the annual Water Resources Program and Intergovernmental Relationships; all provided for in the Susquehanna River Basin Compact (hereinafter referred to as the "Compact") §§ 14.1, 14.2 and 12.1 et seq., respectively. The Commission will utilize the four elements, as appropriate, to advance its purposes set forth in the Compact.

(b) This part establishes the scope and procedures for Review of Projects. Section 3.10 of the Compact provides the authority for Commission Review of Projects. In general, it provides that the Commission's review authority extends to (1) projects that may result in a significant interstate effect on the water resources of the Basin and (2) projects that would affect immediate and long-range alternatives for the management, development, conservation, or utilization of the Basin's water resources.

(c) No person, group of persons, association, corporation or other nongovernmental entity shall begin construction or operation of any project affecting the water resources of the basin as set forth hereafter prior to review and approval by the Commission of the project.

(d) Proposals for projects that come within § 803.3 *Projects Requiring Review,* set forth hereafter, of the Federal government, and the signatory states, their political subdivisions, and public corporations shall be submitted to the Commission for a period of ninety days or such longer time as may be requested by the Commission. The Commission shall submit recommendations and findings to the sponsoring agency which shall be included in any report submitted by such agency to its respective legislative body or to any committee thereof in connection with any request for authorization or appropriation therefor. Commission review and approval shall be required prior to construction or operation of any government project within § 803.3 that is not subject to specific authorization or appropriation by a legislative body. The Commission review will ascertain the projects' compatibility with the objectives, goals, guidelines and criteria set forth in the Comprehensive Plan.

§ 803.2 Definitions.

(a) These words shall be defined as follows unless otherwise indicated.

(1) *Basin.* The Susquehanna River Basin.

(2) *Construction.* Clearing or excavation of the site, including the driving of piles, construction of roadways and railroad spurs, and the pouring of the foundation for, or the installation of any portion of the project on the site.

(3) *Project.* Any work, service, activity, or facility undertaken which is separately planned or financed for the conservation, utilization, control, development, or management of water resources which can be established and utilized independently, or as an addition to an existing facility, and can be considered as a separate entity for purposes of evaluation.

(4) *Signatory party.* The States of Maryland, New York, Commonwealth of Pennsylvania, and the Federal government.

(5) *Signatory State.* The States of Maryland, New York, and Pennsylvania.

(6) *Sponsor.* Any person, group of persons, association, corporation, or government entity proposing a project.

(7) *Susquehanna River Basin.* The area of drainage of the Susquehanna River and its tributaries into Chesapeake Bay to the southern edge of the Pennsylvania Railroad bridge between Havre de Grace and Perryville, Maryland.

(8) *Water(s).* Surface and underground water(s) contained within the Susquehanna River Basin.

§ 803.3 Projects requiring applications.

(a) Sponsors proposing the following projects shall file an application in accordance with Subpart B of this Part.

(1) Any physical facility on or crossing the boundary between any two signatory states.

(2) Any project involving the transfer of water into or from the basin.

(3) Any proposal to change interstate water quality standards or criteria.

(4) Any project within a signatory State that has the potential to affect waters within another signatory State. This includes but is not limited to projects which have the potential to alter the physical, biological, chemical, or hydrological characteristics of water and related natural resources of the following streams and/or their tributaries:

(i) Between New York and Pennsylvania

Apalachian Creek
Bentley Creek
Bulkley Brook
Camp Brook Creek
Cascade Creek
Cayuta Creek
Chemung River
Choconut Creek
Cowanesque River
Denton Creek
Holden Creek
Little Snake Creek
Seeley Creek
Snake Creek
South Creek
Susquehanna River
Tioga River
Troups Creek
Trowbridge Creek
Wappasening Creek
White Branch

(ii) between Pennsylvania and Maryland

Big Branch Deer Creek
Broad Creek
Conowingo Creek
Deer Creek
Falling Branch Deer Creek
Long Arm Creek
Muddy Creek
Octoraro Creek
Scott Creek
South Branch Conewago Creek
Susquehanna River

(5) Any project which requires the commitment of water to a specific use for a period of time longer than ten years. This includes but is not limited to projects involving such activities as discharge into or withdrawal from surface or underground water.

(i) Exemptions:

(*a*) Withdrawal of one MGD or less from any surface stream provided it, in conjunction with all other withdrawals, does not exceed at any point 25 percent of the seven (7) day, twenty (20) year low flow.

(*b*) Withdrawals by a user totaling 100,000 gpd or less from groundwater sources.

(c) Any discharge authorized by the rules, regulations, or a permit of a signatory party.

(6) Any project with a life expectancy of ten or more years designed to satisfy a water resource related need. This includes projects such as: Dams, levees, walls, or channel modifications.

(i) Exemptions:

(*a*) Farm ponds.

(*b*) Levees, walls and channel modifications less than 500 feet in length or stream clearance activities conducted in accordance with Commission guidelines.

(c) Dams which control a drainage area of less than ten square miles except for water supply dams developing less than 80 percent of the one hundred eighty (180) day average annual low flow if such low flow is greater than 100,000 gpd.

(7) Any project or projects not included in paragraphs (a) (1) through (6) of this section determined by the Commission to have a potential adverse, adverse cumulative, or interstate effect on the water resources of the basin; *Provided,* That the project sponsor is notified in writing by the Commission that an application is required.

(b) If a sponsor is uncertain whether an application should be filed with the Commission the sponsor may request and, within thirty days after submission of information in such form and manner as will allow the Commission to make the determination, receive from the Commission a letter stating whether an application is required.

(c) For additional application and review procedures for projects, see Subparts B and C of this part.

§ 803.4 Projects requiring review.

(a) As determined from applications or otherwise, the Commission shall review and take appropriate action on the following proposed projects within the Susquehanna River Basin.

(1) Any physical facility on or crossing the boundary between any two signatory states.

(2) Any project involving the transfer of water into or from the basin.

(3) Any project within a signatory state found and determined by the Commission to have a significant effect on water within another signatory state or upon the Comprehensive Plan.

(b) Any project or projects determined by the Commission or by a signatory party to cause an adverse, adverse cumulative, or an interstate effect on the water resources of the basin; *Provided*, The project sponsor has been notified in writing by the Commission or a signatory party that Commission review and action is required.

§ 803.5 Review by Signatory Parties of Projects of Concern to the Commission.

(a) The Commission recognizes that agencies of the signatory parties will exercise their review authority and evaluate many proposed projects in the Basin. The Commission will develop guidelines to assure compatibility between signatory review and Commission review.

(b) To avoid duplication of work and to cooperate with other government agencies the Commission will develop agreements of understanding in accordance with these guidelines with appropriate agencies of the signatory parties regarding joint review of projects and acceptance of signatory review. These agreements may provide for joint efforts by staff, delegation of authority by an agency or the Commission, or any other matter to support cooperative review activities. Permits issued by a signatory agency shall be considered Commission approval if issued pursuant to an agreement of understanding with the Commission specifically providing therefor.

§ 803.6 Effective date.

(a) Review by the Commission shall not be required for any project which, prior to the effective date of this Part, has (1) been issued a permit by a signatory party allowing completion through the project's final construction phase, or (2) commenced operation or been issued a permit by a signatory party allowing it to commence; unless, the project's sponsor is notified as provided in § 803.4(b).

(b) This part shall become effective June 1, 1975.

Subpart B—Application Procedure

§ 803.20 Purpose of this subpart.

The purpose of this subpart is to set forth procedures governing applications required by § 803.3.

§ 803.21 Preliminary consultations.

(a) Any sponsor of a proposed project that is subject to the Commission's review jurisdiction under § 803.4 is encouraged, prior to making application for Commission review, to request a preliminary consultation with the Commission staff for an informal discussion of preliminary plans for the proposed project. To facilitate preliminary consultations, it is suggested that the sponsor provide a general description of the proposed project, the project site and, to the extent available, data concerning dimensions of any proposed structures and the environmental impacts.

(b) Preliminary consultations shall be optional with the project sponsor and shall not relieve the sponsor from complying with the provisions of the Susquehanna River Basin Compact or with these Rules and Regulations.

§ 803.22 Submission of application.

(a) Projects requiring a permit or other form of regulatory approval from a state or federal agency having authority regarding water resources use, development, control and conservation.

(1) The sponsor of the project shall make application to the agency in the manner prescribed by the agency.

(2) It shall be the responsibility of the agency to transmit a copy of the application to the Commission.

(b) Projects not subject to the jurisdiction of the above agencies.

(1) The sponsor of the project shall, prior to the time the project is undertaken, make application to the Commission for review. The application shall be submitted to the Commission at its headquarters, and shall contain the information prescribed in § 803.23.

§ 803.23 Contents of application.

(a) Projects requiring a permit or other form of regulatory approval from a state or federal agency having regulatory authority regarding water resources use, development, control and conservation.

(1) The sponsor of the project shall make application to the agency in the form prescribed by the agency.

(b) Projects not subject to the jurisdiction of the above agencies.

(1) The sponsor's application shall address the aspects pertinent to the project listed in paragraph (c) of this section.

(2) A report(s) about the project prepared for any other purpose will be accepted by the Commission; *Provided*, The report(s) addresses the aspects pertinent to the project listed in paragraph (c) of this section.

(c) The sponsor's application shall address those aspects contained in the following list if applicable to the project.

(1) Identification of sponsor(s) and name of person to contact authorized to speak for the sponsor.

(2) Description of project and site in terms of:

(i) Engineering feasibility.

(ii) Willingness of sponsor(s) to fund the project or action.

(iii) Identification and description of reasonable alternatives, the extent of their economic and technical investigation, and an assessment of their potential environmental impact.

(iv) Supporting studies, reports and other information upon which assumptions and assertions have been based.

(v) Compatibility of proposed project with existing and anticipated uses.

(vi) Plans for avoiding or compensating for consumptive use during low flow periods.

(vii) Current conditions and anticipated impact of the proposed project on the following:

(*a*) Flood Damage potential:

(*1*) Location of project with respect to the flood plain and flood hazard zones.

(*b*) Groundwater characteristics:

(*1*) Quality.

(*2*) Existing water table.

(*3*) Groundwater flow.

(*4*) Safe yield.

(*5*) Natural recharge.

(*c*) Surface water characteristics:

(*1*) Quality.

(*2*) Quantity.

(*3*) Flow regimen.

(*4*) Other hydrologic characteristics.

(*d*) Recreation Potential.

(*e*) Fish and Wildlife:

(*1*) Habitat quality.

(*2*) Kind and number of species.

(*f*) Natural Environment Uses:

(*1*) Scenic vistas.

(*2*) Natural and man-made travel corridors.

(*3*) Wild and wilderness areas.

(*4*) Wild, scenic and recreation rivers.

(*g*) Site development considerations:

(*1*) Geology.

(*2*) Topography.

(*3*) Soil Characteristics.

(*4*) Adjoining and nearby land uses.

(*5*) Adequacy of site facilities.

(*h*) Historical, cultural and archaeological.

(3) Governmental considerations:

(i) Need for governmental services or finances.

(ii) Commitment of government to provide services or finances.

(iii) Status of application with other governmental regulatory bodies.

(4) Project completion date.

§ 803.24 Notice of receipt of application.

The Commission shall promptly issue a notice to area and regional news media that an application has been received.

§ 803.25 Staff review.

The Commission's staff shall review the application, and if necessary, request the sponsor to provide any additional information that is deemed pertinent for proper review of the project. The staff review shall include:

(a) Determination of completeness of the application.

(b) Identification of the issues.

(c) Assessment of the project.

(d) Consultation with sponsor—if requested.

(e) Report of findings and recommendations to Commission.

Subpart C—Public Hearing Procedure

§ 803.40 Public hearing requirement.

A public hearing shall be conducted if the Commission determines that (a) the project should or must be included in the Comprehensive Plan, (b) a hearing is requested by a signatory party, or (c) a hearing is necessary for proper evaluation of the project. Hearings will be held whenever, in the judgement of the

Commission, substantive requests or questions are received that are related to public safety, protection of the environment, or other important societal factors.

§ 803.41 Notice of Public Hearing.

At least thirty days before any public hearing, notices stating the date, time, place and purpose of the hearing including issues of interest to the Commission shall be published at least once in a newspaper or newspapers of general circulation in the area affected, posted at the office of the Commission, and mailed to persons, organizations and government agencies who have made written requests to the Commission for notices of hearings or of a particular hearing; the Directors of the Federal Register, Pennsylvania Bulletin, and the Maryland Register for publication.

§ 803.42 Participants to a Public Hearing.

(a) Hearings shall be open to the public. Participants to a public hearing shall be the project sponsor and the Commission staff. Participants may also be any person or public agency wishing to appear at the hearing and make an oral or written statement. Statements may favor or oppose the project or may simply express a position without specifically favoring or opposing the project. Statements shall be made a part of the record of the hearing, and written statements may be received up to and including the last day on which the hearing is held, or within a reasonable time thereafter as specified by the presiding officer which time shall be not less than two weeks nor more than four weeks, except that a longer time may be specified if requested by a participant.

(b) Participants (except the project sponsor and the Commission staff) are encouraged to file with the Commission at its headquarters written notice of their intention to appear at the hearing. The notice should be filed at least three days prior to the opening of the hearing.

§ 803.43 Representative Capacity.

Participants wishing to be heard at a hearing may appear in person or be represented by an attorney or other representative. A public agency or a local government may be represented by one of its officers, employees or by a designee of the public agency or local government. Any person intending to appear before the Commission in a representative capacity on behalf of a participant shall give the Commission written notice of the nature and extent of their authorization to represent the person(s), public agency or local government on whose behalf they intend to appear.

§ 803.44 Description of Project

When notice of hearing is issued, there shall be available for inspection at the Commission offices such plans, summaries, maps, findings, statements, orders or other supporting documents which explain, detail, amplify, or otherwise describe the project the Commission is considering. Instructions on where and how the documents may be obtained will be included in the notice.

§ 803.45 Adjudicatory Hearing.

The Commission, upon application by any interested party and in its absolute discretion, may determine that any hearing or additional hearing shall be conducted as an adjudicatory hearing and may specify that all testimony to be received be given under oath, the right of cross-examination be allowed, motions appropriate to such proceedings be allowed, or otherwise regulate the hearings and the conduct of the parties and their counsel.

§ 803.46 Presiding Officer.

The hearing shall be conducted by the Commission or any member or designee of the Commission. The presiding officer shall have full authority to control the conduct of the hearing and make a record of the same.

§ 803.47 Memorandum of Law or Fact.

The presiding officer may request from participants or participants may on their own initiative provide a memorandum for the record to assure the proper evaluation of issues of law or fact identified in the hearing. The memorandum shall be provided by the participant to the Commission and the project sponsor within 15 days from the end of the hearing or such time as the presiding officer shall provide. Any such memoranda will be at the Commission's headquarters for inspection and copies will be available at the cost of reproduction.

§ 803.48 Consolidation of Hearings.

The Commission may order any two or more hearings involving a common or related question of law or fact to be consolidated for hearing on any or all the matters in issue in such hearings.

§ 803.49 Joint Hearings.

The Commission may conduct hearings in concert with any other agency of a signatory party.

§803.50 Transcript.

A verbatim transcript of the hearing shall be kept by the Commission. A certified copy of the transcript and exhibits shall be avaliable for review during business hours at the Commission's headquarters to anyone wishing to examine them. Anyone wishing to obtain a copy of the transcript of any hearing shall make arrangements to obtain it directly from the recording stenographer at their expense.

§ 803.51 Adjournments.

The sponsor and all other persons wishing to be heard should be prepared to proceed on the date of the hearing. Application for adjournments will not be granted, except when good cause is shown.

[FR Doc.74-28252 Filed 12-3-74;8:45 am]

Title 20—Employees' Benefits

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

[Regs. No. 10, further amended]

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969 .....)

Subpart E—Payment of Benefits

BENEFIT RATES

The amendment set forth below revises § 410.510(d) to include benefit rates payable to a miner or widow beginning October 1974. Section 412(a) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 922(a)) directs the Secretary of Health, Education, and Welfare to make benefit payments to a qualified miner or widow at a rate equal to 50 per centum of the minimum monthly payment to which a Federal employee in Grade GS–2, who is totally disabled, is entitled at the time of payment under the minimum payment provision of the Federal Employees Compensation Act, 5 U.S.C. 8112. Pursuant to Executive Order 11811, dated October 7, 1974, the pay rate for Step 1 of Grade GS–2 of the General Schedule has been increased. This, therefore, has resulted in an increase of the basic black lung benefit rate payable to miners and widows both newly entitled and those already on the rolls, to $187.40 a month beginning with the month of October 1974, and § 410.510(d) of Regulations No. 10 which sets out black lung benefit rates is revised accordingly. Benefit rates to other beneficiaries (i.e., surviving dependent children, parents, brothers, and sisters), both newly entitled and those already on the rolls, are also increased beginning October 1974. Paragraph (e) of § 410.510 contains the rules for determining the benefit rates payable to these beneficiaries based on the rates shown in § 410.510(d) for a miner or widow.

Since this amendment of the regulations merely interprets the self-executing benefit formula in section 412(a) of the Act (30 U.S.C. 922(a)) which is already described in paragraphs (a), (b), and (c) of this § 410.510, the Secretary of Health, Education, and Welfare finds that publication with notice of proposed rulemaking, as well as publication at least 30 days prior to an effective date, are unnecessary.

Consideration will be given to any comments pertaining to this amendment which are submitted in writing in tripli-

cate to the Commissioner of Social Security, Department of Health, Education, and Welfare building, Fourth Street and Independence Avenue SW., Washington, D.C. 20201.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

(Catalog of Federal Domestic Assistance Program No. 13.806, Special Benefits for Disabled Coal Miners)

Dated: November 22, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: November 29, 1974.

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

Paragraph (d) of § 410.510 is revised to read as follows:

§ 410.510 Computation of benefits.

* * * * *

(d) *Benefit rates for miners and widows.*

	Beginning October 1974	October 1973 to September 1974	October 1972 to September 1973	January 1972 to September 1972	1971	1969–70
(1) Miner or widow with no dependents	$187.40	$177.60	$169.80	$161.50	$153.10	$144.50
(2) Miner or widow with 1 dependent	281.10	266.40	254.70	242.20	229.60	216.70
(3) Miner or widow with 2 dependents	328.00	310.80	297.10	282.60	267.90	252.80
(4) Miner or widow with 3 or more dependents	374.80	355.20	339.50	322.90	306.10	288.90

* * * * * * *

(Sections 411(a), 412(a), 426(a), and 508, 83 Stat. 793; 30 U.S.C. 921(a), 922(a), 936(a), and 957)

Effective date: The foregoing amendment shall become effective December 4, 1974.

[FR Doc.74-28311 Filed 12-3-74;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 583-74]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart 0—Office of Management and Finance

SETTLEMENT OF CLAIMS ARISING FROM DEPARTMENTAL OPERATIONS

This order clarifies the existing delegation of authority to collect and compromise claims of the United States arising out of the activities of the Department of Justice.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, paragraph (d) of § 0.76 of Subpart 0 of Part 0 of Chapter I of Title 28, Code of Federal Regulations, setting forth functions of the Assistant Attorney General for Administration, is revised to read as follows:

§ 0.76 Specific functions.

* * * * *

(d) Exercising the claims settlement authority under the Federal Claims Collection Act of 1966 (31 U.S.C. 952).

* * * * *

Dated: October 21, 1974.

WILLIAM B. SAXBE,
Attorney General.

[FR Doc.74-28259 Filed 12-3-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 25—NATIONAL SCIENCE FOUNDATION

PART 25-9—PATENTS, DATA, AND COPYRIGHTS

Disposition of Rights in Inventions

This addition to the National Science Foundation Procurement Regulations System prescribes policies, procedures, and clauses with respect to rights in inventions made in the course of or under Foundation contracts and certain related matters. A proposed regulation to add a new Part 25-9 to Title 41 was published in the FEDERAL REGISTER on January 22, 1974. This proposed regulation covered all NSF awards, including grants and contracts. Subsequent to this publication, it was decided for the purposes of clarity to publish two regulations instead of one, the first governing only contracts, to appear at 41 CFR Part 25-9, and the second governing grants and awards other than contracts, to appear at 45 CFR Part 650. These two regulations are identical in substance to that published on January 22, 1974. No comments on the proposed regulations published January 22, 1974, were received prior to February 20, 1974, as originally requested. Comments received which covered the substance of these regulations after that date were considered. Due to the action of GSA in canceling the effective date of the addition of Part 1-9 to the Federal Procurement Regulations, certain minor changes have been made from the proposed regulations. These regulations shall be effective December 4, 1974.

Part 25-9 is added as follows:

Subpart 25-9.1—Patents

Sec.
25-9.100 Scope of subpart.
25-9.101 Definitions.
25-9.102 Source of authority.
25-9.103 Procedures for selection of contract clauses.
25-9.104 Greater rights determinations.
25-9.105 Minimum government rights.
25-9.106 Availability of inventions to the public.
25-9.107 Delegations.

AUTHORITY: Secs. 11(e) and 12(a) of the National Science Foundation Act, as amended (42 USC 1870(e) and 1871(a)).

Subpart 25-9.1—Patents

§ 25-9.100 Scope of Subpart.

This subpart sets forth policies, procedures, and clauses with respect to rights in inventions made in the course of or under contracts subject to Title III of the Federal Property and Administrative Services Act of 1949, as amended, entered into by the National Science Foundation. Policies, procedures, and clauses with respect to rights in inventions under awards other than the above are set forth in 45 CFR Part 650.

§ 25-9.101 Definitions.

As used in this subpart—

(a) The term "contract" includes contracts entered into by the Foundation which are made for the purpose of conducting experimental, developmental, or research work or which contain a significant amount of such work.

(b) the term "Director" means the Director of the Foundation;

(c) the term "Foundation" means the National Science Foundation;

(d) the term "contractor" means the recipient of a contract, and may, as the contract requires, include subcontractors of a contractor at any tier;

(e) the term "invention" includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States of America or any foreign country;

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

(g) the term "President's Policy" means the President's Statement of Government Patent Policy issued August 23, 1971 (36 FR 16887, August 26, 1971); and

(h) the term "Patent Policy Review Committee" refers to a committee made up of Foundation personnel and established by the Director to administer certain aspects of Foundation patent policy.

§ 25–9.102 Source of Authority.

(a) Section 12(a) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1871(a)), provides as follows:

Each contract or other arrangement executed pursuant to this Act which relates to scientific research shall contain provisions governing the disposition of inventions produced thereunder in a manner calculated to protect the public interest and the equities of the individual or organization with which the contract or other arrangement is executed; Provided, however, That nothing in this Act shall be construed to authorize the Foundation to enter into any contractual or other arrangement inconsistent with any provisions of law affecting the issuance or use of patents.

(b) Section 11(e) of the same Act provides as follows:

The Foundation shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this Act, including, but without being limited thereto, the authority * * *

(e) to acquire by purchase, lease, loan, gift, or condemnation, and to hold and dispose of by grant, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this Act.

The President's Policy provides guidance as to basic policies to be followed by executive agencies with respect to inventions or discoveries made in the course of their awards. The provisions set forth in this subpart are intended to implement the National Science Foundation Act in accordance with the basic guidelines and philosophy of the President's Policy.

§ 25–9.103 Procedures for selection of contract clauses.

(a) Except as provided in paragraphs (b) and (c) of this section, all Foundation contracts shall contain the following clause:

PATENT RIGHTS—OPTION IN THE GOVERNMENT

(a) *Definitions.*

(1) "Subject Invention" means any invention or discovery of the Contractor conceived or first actually reduced to practice in the course of or under this contract, and includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States of America, or any foreign country.

(2) "Contract" means any contract, agreement, grant, or other arrangement, or subcontract entered into with or for the benefit of the Government where a purpose of the contract is the conduct of experimental, developmental, or research work.

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

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

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

(6) "Foundation" means the National Science Foundation.

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

(2) *Greater Rights Determinations.* The Contractor, or the employee-inventor with authorization of the Contractor, may retain greater rights than the nonexclusive license provided in paragraph (d) of this clause in accordance with the procedure and criteria of 41 CFR 25–9.104. A request for a determination as to whether the Contractor or the employee-inventor is entitled to retain such greater rights must be submitted to the Foundation at the time of the first disclosure of the invention pursuant to paragraph (e)(2)(i) of this clause, or not later than 3 months thereafter or such longer period as may be authorized by the Foundation for good cause shown in writing by the Contractor. The information to be submitted for a greater rights determination is specified in 41 CFR 25–9.104. Each determination of greater rights under this contract normally shall be subject to paragraph (c) of this clause and to such reservations and conditions as may be deemed to be appropriate by the Foundation.

(c) *Minimum rights granted to the Government.* With respect to each Subject Invention to which the Contractor retains principal or exclusive rights, the Contractor:

(1) Hereby grants to the Government a nonexclusive, nontransferable, paid-up license to make, use, and sell each Subject Invention throughout the world by or on behalf of the Government of the United States (including any Government agency), States and domestic municipal governments, unless the Director of the Foundation determines after the invention has been identified that it would not be in the public interest to acquire the license for States and domestic municipal governments;

(2) Agrees to grant, upon request of the Government, a license on terms that are reasonable under the circumstances to responsible applicants;

(i) Unless the Contractor, his licensee, or his assignee demonstrates to the Government that effective steps have been taken within 3 years after a patent issued on such invention to bring the invention to the point of practical application or that the invention has been made available for licensing royalty-free or on terms that are reasonable in the circumstances, or can show cause why the principal or exclusive rights should be retained for a further period of time; or

(ii) To the extent that the invention is required for public use by governmental regulations or as may be necessary to fulfill public health or safety needs, or for other public purposes stipulated in this contract;

(3) Shall submit written reports at reasonable intervals, upon request of the Government, during the term of the patent on the Subject Invention regarding

(i) The commercial use that is being made or is intended to be made of such invention; and

(ii) The steps taken by the Contractor or his transferee to bring the invention to the point of practical application or to make the invention available for licensing;

(4) Agrees to refund any amounts received as royalty charges on any Subject Invention in procurements for or on behalf of the Government and to provide for that refund in any instrument transferring rights to any party in the invention; and

(5) Agrees (i) to provide for the Government's paid-up license pursuant to paragraph (c)(1) of this clause in any instrument transferring rights in a Subject Invention and (ii) to provide for the granting of licenses as required by (c)(2) of this clause and for the reporting of utilization information as required by paragraph (c)(3) of this clause whenever the instrument transfers principal or executive rights in any Subject Invention.

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

(2) The Contractor's nonexclusive domestic license retained pursuant to paragraph (d)(1) of this clause may be revoked or modified by the Foundation, either in whole or in part, as to the United States, its territories and possessions, Puerto Rico, and the District of Columbia to the extent necessary to achieve expeditious practical application of the Subject Invention under 41 CFR 101–4.103–3 pursuant to an application for exclusive license submitted in accordance with 41 CFR 101–4–104–3. This license shall not be revoked in that field of use and or the geographical areas in which the Contractor has brought the invention to the point of practical application and continues to make the benefits of the invention reasonably accessible to the public. The Contractor's nonexclusive license in any foreign country reserved pursuant to paragraph (d)(1) of this clause may be revoked or modified, either in whole or in part, in the discretion of the Foundation to the extent the Contractor or his domestic subsidiaries or affiliates have failed to achieve the practical application of the invention in that foreign country.

(3) Before modification or revocation of the license, pursuant to paragraph (d)(2) of this clause, the Foundation shall furnish to the Contractor a written notice of its intention to modify or revoke the license and the Contractor shall be allowed 30 days (or such longer period as may be authorized by the Foundation for good cause shown in writing by the Contractor) after such notice to show cause why the license should not be modified or revoked.

(e) *Invention identification, disclosure and reports.* (1) The Contractor shall establish and maintain active and effective procedures to assure that Subject Inventions are promptly identified and timely disclosed. These procedures shall include the maintenance of laboratory notebooks or equivalent records and other records as are reasonably necessary to document the conception and/or the first actual reduction to practice of Subject Inventions and records which show that the procedures for identifying and disclosing the inventions are followed. Upon request, the Contractor shall furnish

to the Contracting Officer a description of such procedures so that he may evaluate and determine their effectiveness.

(2) The Contractor shall furnish to the Contracting Officer:

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

(ii) Interim reports at least every 12 months from the date of the contract listing Subject Inventions for that period and certifying that;

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

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

(iii) An acceptable final report, within 3 months after completion of the contract work, listing all Subject Inventions or certifying that there were no such inventions.

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

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

(f) *Forfeiture of rights in unreported subject inventions.* (1) Unless excused by the Foundation, the Contractor shall forfeit to the Government all rights on any Subject Invention which he fails to report to the Contracting Officer at or prior to the time he:

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

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

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

(i) Prepared a written decision based upon a review of the record that the invention was neither conceived nor first actually reduced to practice in the course of or under the contract; or

(ii) Contending that the invention is not a Subject Invention, he nevertheless discloses the invention and all facts pertinent to his contention to the Contracting Officer; or

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

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

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

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

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

(ii) Maintain and follow such procedures, or;

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

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

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

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

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

(iv) Provide the information regarding subcontracts pursuant to paragraph (i) (5) of this clause.

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

(2) Final payment under this contract shall not be made before the Contractor delivers to the Contracting Officer all disclosures of Subject Inventions required by paragraph (e) (2) (i) of this clause and the final report required by (e) (2) (iii) of this clause.

(3) The Contracting Officer may, in his discretion, decrease or increase the sums withheld up to the maximum authorized above. No amount shall be withheld under this paragraph while the amount specified by this paragraph is being withheld under other provisions of the contract. The withholding of any amount or subsequent payment thereof shall not be construed as a waiver of any rights acruing to the Government under this contract.

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

(2) The Contractor shall, unless otherwise authorized or directed by the Government Contracting Officer, include this Patent Rights clause, modified to identify the parties in any subcontract hereunder, if a purpose of the subcontract is for the conduct of experimental, developmental or research work. In the event of refusal by a Subcontractor to accept this clause, or if in the opinion of the Contractor this clause is inconsistent with the policy set forth in the President's Policy, the Contractor:

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

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

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

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

(5) The Contractor shall identify all Subject Inventions of the Subcontractor of which he acquires knowledge in the performance of this contract and shall notify the Government Contracting Officer promptly upon the identification of the inventions.

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

(b) Except (1) when paragraph (c) of this section applies, or (2) where the contract will be subject to an Institutional Patent Agreement pursuant to 45 CFR 650.8, all contracts which are with nonprofit or not-for-profit organizations (including educational institutions) shall contain the clause at 45 CFR 650.4(b). However, in the case of such contracts for the operation of National Research Centers or similar facilities other provisions may be negotiated with the approval of the General Counsel; provided that such provisions shall be consistent with section 1(a)(4) of the President's Policy.

(c)(1) At the request of a prospective contractor, special provisions other than those provided in paragraphs (a) and (b) of this section may be negotiated where the award falls within section 1 (b) of the President's Policy or where exceptional circumstances as set forth in section 1(a) of the President's Policy exist. In accordance with section 1(c) of the President's Policy, such provisions may also be negotiated at the time of award with educational or other nonprofit or not-for-profit institutions having a demonstrated capability for effective patent management; provided that in such cases the provisions shall normally include the features described in 45 CFR 650.8(c).

(2) In negotiating such special provisions, Section 12(a) of the National

Science Foundation Act, as amended, and the President's Policy will be followed.

(3) In the case of negotiations involving contracts falling within section 1(b) of the President's Policy, the clause at paragraph (a) of this section shall be used, except that the name of the clause shall be changed to "PATENT RIGHTS—OPTION IN THE CONTRACTOR," paragraph (b) of that clause shall be replaced by the following paragraph (b), and the following paragraphs (j) and (k) shall be added:

* * * * *

(b) *Disposition of principal rights.* (1) The Contractor may retain the entire right, title, and interest throughout the world or in any country thereof in and to each Subject Invention disclosed pursuant to paragraph (e) (2) (i) of this clause, subject to the rights obtained by the Government in paragraph (c) of this clause. The Contractor shall include with each Subject Invention disclosure an election as to whether he will retain the entire right, title, and interest in the invention throughout the world or any country thereof.

(2) Subject to the license specified in paragraph (d) of this clause, the Contractor agrees to convey to the Government, upon request, the entire domestic right, title, and interest in any Subject Invention when the Contractor:

(i) Does not elect under paragraph (b) (1) of this clause to retain such rights; or

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

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

(3) Subject to the license specified in paragraph (d) of this clause, the Contractor agrees to convey to the Government, upon request, the entire right, title, and interest in any Subject Invention in any foreign country if the Contractor:

(i) Does not elect under paragraph (b) (1) of this clause to retain such rights in the country; or

(ii) Fails to have a patent application filed in the country on the invention in accordance with paragraph (k) of this clause, or decides not to continue prosecution or to pay any maintenance fees covering the invention. To avoid forfeiture of the patent application or patent, the Contractor shall notify the Contracting Officer not less than sixty (60) days before the expiration period for any action required by the foreign patent office.

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

* * * * *

(j) *Filing of domestic patent applications.* (1) With respect to each Subject Invention in which the Contractor elects to retain domestic rights pursuant to paragraph (b) of this clause, the Contractor shall have a domestic patent application filed within 6 months after submission of the invention disclosure pursuant to paragraph (e) (2) (i) of this clause, or such longer period as may be approved by the Contracting Officer for good cause shown in writing by the Contractor. With respect to the invention, the Contractor shall promptly notify the Contracting Officer of any decision not to file an application.

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

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

(ii) Include the following statement, appropriately completed, in the second paragraph of the specification of the application and any patents issued on a Subject Invention. "The Government has rights in this invention pursuant to Contract No. _____ (or Grant No. _____) awarded by the National Science Foundation."

(iii) Within 6 months after filing the application or within 6 months after submission of the invention disclosure if the application has been filed previously, deliver to the Contracting Officer a duly executed and approved instrument on a form specified by the Government fully confirmatory of all rights to which the Government is entitled, and provide the agency an irrevocable power to inspect and make copies of the patent application filed;

(iv) Provide the Contracting Officer with a copy of the patent within 2 months after a patent issues on the application, and

(v) Not less than 30 days before the expiration of the response period for any action required by the Patent Office, notify the Foundation of any decision not to continue prosecution of the application and deliver to the Foundation executed instruments granting the Government a power of attorney.

(3) For each Subject Invention in which the Contractor initially elects not to retain principal domestic rights, the Contractor shall inform the Contracting Officer promptly in writing of the date and identity of any sale, public use, or publication of such invention which may constitute a statutory bar under 35 U.S.C. 102, which was authorized by or known to the Contractor, or any contemplated action of this nature.

(k) *Filing of foreign patent applications.* (1) With respect to each Subject Invention in which the Contractor elects to retain rights in a foreign country pursuant to paragraph (b) (1) of this clause, the Contractor shall have a patent application filed on the invention in such country, in accordance with applicable statutes and regulations, and within one of the following periods:

(i) Eight months from the date of a corresponding United States application filed by or on behalf of the Contractor; or if such an application is not filed, 6 months from the date the invention is submitted in a disclosure pursuant to paragraph (e) (2) (i) of this clause;

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

(iii) Such longer period as may be approved by the Contracting Officer.

(2) The Contractor shall notify the Contracting Officer promptly of each foreign application filed and, upon written request, shall furnish an English version of such foreign application without additional compensation.

(4) In all other cases falling within this paragraph (c), the "PATENT RIGHTS—OPTION IN THE GOVERNMENT" clause prescribed at § 25–9.103 (a) shall be used with appropriate modifications of that clause so as to allow the Contractor to obtain greater rights than a non-exclusive license as to all or specific inventions. These modifications should reflect the requirements of paragraph (c) (1) of this section, if applicable, and, in addition, particularly where the contract would fall within section 1(a) (1)–(4) of the President's Policy, consideration should be given to including provisions to ensure that research results are made available to the public in accordance with the policy set forth in § 25–9.106.

(5) The inclusion of special provisions in a contract in accordance with this section, other modifications of the clauses prescribed by this subpart, or the waiver of any of the requirements of the clauses prescribed by this subpart, shall be approved by the General Counsel. In cases where the General Counsel does not grant such approval, interested Foundation staff may refer the matter to the NSF Patent Policy Review Committee.

§ 25–9.104 Greater rights determination.

(a) (1) Contractors desiring to retain rights in inventions made under or during the course of contracts containing provisions that condition the retention of principal rights in such inventions by the contractor on the determination of the Foundation, such as those prescribed at § 25–9.103(a), should address their request to the General Counsel who has been delegated authority to make such determinations. In all such cases the General Counsel shall seek the recommendations and advice of the Patent Policy Review Committee.

(2) Such requests should contain the following information:

(i) The contract number, and subcontract number if applicable, under which the invention was made.

(ii) A complete invention disclosure or reference to one that has previously been furnished, including any NSF identifying numbers, if known;

(iii) A description of the relationship of the invention to the main purpose of the contract;

(iv) The contractor's evaluation of the commercial possibilities of the invention both in its original embodiment and in possible adaptations to other uses;

(v) An explanation of why it is believed that rights greater than free public use are needed to bring the invention into use;

(vi) The nature and extent of the rights desired;

(vii) A description of the stage of development of the invention, and an estimate of the cost of development, capital and time required to bring the invention to the point of practical application as defined in the President's Policy;

(viii) A statement of the contractor's plans and intentions to bring the invention to the point of practical application including:

(A) If further development is to be conducted by the contractor, a description of the facilities, source of funds, personnel, and marketing outlets available

for that purpose and the extent to which such development is to be undertaken by the contractor or others on his behalf and/or

(B) If he intends to license the invention, a brief description of his licensing program;

(ix) A statement of any equities in the invention which the contractor believes it has in the invention which would be appropriate for consideration by the Foundation;

(x) If other Government agencies have contributed to the cost of making the invention, the identification of such agencies and the grant or contract involved, and the approximate share of each;

(xi) A listing of other countries in which the contractor would be interested in filing applications for patents;

(xii) If publication of the substance of this invention has occurred or is planned or there has been a use or sale such as might possibly create a future statutory bar to the patenting of the invention, the name of the journal, the date or probable date of publication, a reprint of the article if it has been published or a copy of the draft as submitted for publication, and/or details regarding the use or sale of the invention;

(xiii) An identification and indication of the ownership of any patents, patent applications, or invention disclosures known to the contractor which would affect the practice of the invention.

(b) Determinations under this section shall be made on the basis of the guidelines set forth in the President's Policy and this subpart. In addition, the relationship of the invention to other technology controlled by the contractor shall be considered as discussed in § 25–9.106.

(c) (1) In cases where principal rights in an invention are left with a contractor which, itself, is not expected to further develop the invention, the Foundation will require the contractor to make reasonable attempts to license inventions on a nonexclusive basis; provided that an exclusive license may be granted if the contractor determines that an exclusive license is necessary as an incentive for development of the invention or because market conditions are such as to require licensing on an exclusive basis in order to bring the invention into use. This determination shall be in writing and supplied to the Foundation at or before the time an exclusive license is granted. Any such exclusive license granted under a domestic patent or patent application will normally be limited to a period of three years from first commercial sale or eight years from the inception of the license agreement, whichever occurs first. Thereafter, unless the original exclusive license period is extended with the approval of the Foundation, additional licenses will be made available on a nonexclusive basis at a royalty not greater than that charged to the exclusive licensee.

(2) In addition to the requirements of paragraph (c) (1) of this section, any determination under this section shall reserve to the Government the rights set forth in § 25–9.105. In addition, if he has not already done so, the contractor shall be required to have a domestic patent application filed on the invention within 6 months from the date of the determination, or such longer period as may be authorized by the Foundation for good cause shown by the contractor. Each determination shall also include appropriate provisions concerning foreign rights. The determination may also include such other provisions as are considered appropriate.

(3) When neither the grantee, the employee-inventor, nor any other Government agency notified of the invention by the Foundation wishes to take principal rights in an invention, it shall normally be dedicated to the public through publication.

§ 25–9.105 Minimum government rights.

In all cases where the contractor or any other person or entity has been allowed to retain or obtain principal rights in an invention, or possible future inventions, whether at the time of award or after an invention has been identified, the Foundation shall reserve the following minimum rights, if not otherwise required by or inconsistent with any other provision of this subpart.

(a) A nonexclusive, nontransferable, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the Government of the United States (including any Government agency) and States and domestic municipal governments, unless the Director determines that it would not be in the public interest to acquire the license for the States and domestic municipal governments.

(b) The right to sublicense any foreign government pursuant to any existing or future treaty or agreement, but only if the Director determines it would be in the national interest to acquire this right.

(c) The principal or exclusive rights to the invention (or the right to acquire the same) in any country in which the contractor does no elect to secure a patent.

(d) The right to require written reports at reasonable intervals on the commercial use that is being made or is intended to be made of the invention.

(e) The right to require the inclusion of the following appropriately completed statement in the second paragraph of the specification of any patent application or patent: "The Government has rights in this invention pursuant to Contract No. ------ awarded by the National Science Foundation."

(f) The right to require the granting of a nonexclusive or exclusive license to a responsible applicant on terms that are reasonable under the circumstances (1) unless it is determined that effective steps have been taken within three years after a patent issues on the invention to bring the invention to the point of practical application, or that the invention has been made available for licensing royalty-free or on terms that are reasonable under the circumstances or unless cause can be shown why the Foundation should not exercise this right for some further period of time; (2) to the extent the invention is determined to be necessary to fulfill health or safety needs; or (3) to the extent the invention is determined to be needed for other public purposes stipulated in the contract. Determinations and other actions taken pursuant to this paragraph (f) shall be by the Director or by such person(s) as he may designate.

(g) The right to approve any license covering the invention proposed to be granted to any of the following persons or organizations:

(1) Any person who participated as an employee of the contractor in the research leading to the conception and/or actual reduction to practice of the invention;

(2) An organization of which a person described in paragraph (g) (1) of this section was an active promoter or organizer or in which such a person is an officer, director, or holds a substantial interest;

(3) An organization of which the contractor was an active promoter, organizer, or financer.

Approval of such a license shall be given only if the contractor can show that a bona fide effort was made without success to interest other organizations known to be interested in the subject matter of the invention in becoming licensees, or can othrewise show why the public interest will best be served by the proposed licensing arrangement. Notwithstanding anything above, this paragraph (g) shall not apply in the case of a contract with a for-profit contractor.

§ 25–9.106 Availability of inventions to the public.

(a) A major objective of the Foundation is to encourage the use of inventions arising out of activities supported by the Foundation. It is important that any useful product or process developed or improved under a contract is made available to the public on reasonable terms. In some cases, to ensure such availability it may be necessary, either at the time of award or in connection with the determination under § 25–9.104, to require the contractor to furnish to responsible applicants technical data or rights in other inventions to the extent necessary to practice the invention made or product or process developed or improved under the contract.

(b) Program managers or other Foundation personnel shall refer cases involving preexisting proprietary technology (such as "proprietary data," "trade secrets," patents, or patent applications) to the General Counsel or the Patent Policy Review Committee in accordance with applicable Staff Memoranda.

§ 25–9.107 Delegations.

The General Counsel is authorized to make any determinations required by these regulations to be made by the Director, including determinations re-

quired by the President's Policy to be made by the head of the agency, except those specified in § 25-9.105(f).

Dated: November 14, 1974.

H. GUYFORD STEVER,
Director.

[FR Doc.74-27504 Filed 12-3-74;8:45 am]

Title 45—Public Welfare

CHAPTER VI—NATIONAL SCIENCE FOUNDATION

PART 650—PATENTS

Disposition of Rights in Inventions

This addition to Chapter VI of Subtitle B of Title 45 of the Code of Federal Regulations prescribes poliices, procedures, and clauses with respect to rights in inventions made in the course of or under Foundation awards (other than contracts subject to the Federal Property and Administrative Services Act of 1949, as amended) and certain related matters. A proposed regulation to add a new Part 25-9 to Title 41 was published in the FEDERAL REGISTER on January 22, 1974. This proposed regulation covered all NSF awards, including grants and contracts. Subsequent to this publication, it was decided for the purposes of clarity to publish two regulations instead of one, the first governing only contracts, to appear at 41 CFR Part 25-9, and the second governing grants and awards other than contracts, to appear at 45 CFR—Part 650. These two regulations are identical in substance to that published on January 22, 1974. No comments on the proposed regulations published January 22, 1974, were received prior to February 20, 1974, as originally requested. Comments received which covered the substance of these regulations after that date were considered. These regulations shall be effective December 4, 1974.

Part 650 is added as follows:

Sec.
650.1 Scope of part.
650.2 Definitions.
650.3 Source of authority.
650.4 Procedures for selection of clauses in awards.
650.5 Requests for special provisions at time of award.
650.6 Fellowships and traineeships.
650.7 Special classes of awards.
650.8 Institutional patent agreements.
650.9 Greater rights determinations after disclosure.
650.10 Minimum government rights.
650.11 Availability of inventions to the public.
650.12 Delegations.

AUTHORITY: Secs. 11(e) and 12(a) of the National Science Foundation Act, as amended (42 USC 1870(e) and 1871(a)).

§ 650.1 Scope of part.

This part sets forth poliices, procedures, and clauses with respect to rights in inventions made in the course of or under grants, fellowships, and other arrangements (other than contracts subject to Title III of the Federal Property and Administrative Services Act of 1949, as amended) entered into by the National Science Foundation. Policies, procedures, and clauses with respect to rights in inventions made under contracts subject to the Federal Property and Administrative Services Act are set forth in 41 CFR 25-9.

§ 650.2 Definitions.

As used in this part—

(a) The term "award" includes grants, and other arrangements (other than contracts subject to Title III of Federal Property and Administrative Services Act of 1949, as amended) entered into by the Foundation which are made for the purpose of supporting experimental, developmental, or research work or which contain a significant element of such activity. Examples of such awards include scientific research project grants, student originated studies, and cooperative agreements for the support of research. For the purpose of this part, the term "award" does not include grants, or other arrangements which do not require substantial experimental, developmental or research work such as facilities and equipment grants, institutional formula grants, grants for the conduct of summer institutes, and travel and conference grants. The term "award" also includes fellowships and traineeships;

(b) the term "Director" means the Director of the Foundation;

(c) the term "Foundation" means the National Science Foundation;

(d) the term "grantee" means the recipient of an award, and may, as the context requires, include subcontractors of a grantee at any tier;

(e) the term "invention" includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States of America or any foreign country;

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

(g) the term "President's Policy" means the President's Statement of Government Patent Policy issued August 23, 1971 (36 FR 16887, August 26, 1971); and

(h) the term "Patent Policy Review Committee" refers to a committee made up of Foundation personnel and established by the Director to administer certain aspects of Foundation patent policy.

§ 650.3 Source of authority.

(a) Section 12(a) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1871(a)), provides as follows:

> Each contract or other arrangement executed pursuant to this Act which relates to scientific research shall contain provisions governing the disposition of inventions produced thereunder in a manner calculated to protect the public interest and the equities of the individual or organization with which the contract or other arrangement is executed; Provided, however, That nothing in this Act shall construed to authorize the Foundation to enter into any contractual or other arrangement inconsistent with any provisions of law affecting the issuance or use of patents.

(b) Section 11(e) of the same Act provides as follows:

> The Foundation shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this Act, including, but without being limited thereto, the authority * * *
>
> (e) to acquire by purchase, lease, loan, gift, or condemnation, and to hold and dispose of by grant, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this Act.

The President's Policy provides guidance as to basic policies to be followed by executive agencies with respect to inventions, or discoveries made in the course of their awards. The provisions set forth in this part are intended to implement the National Science Foundation Act in accordance with the basic guidelines and philosophy of the President's Policy.

§ 650.4 Procedures for selection of clauses in awards.

(a) The clause at paragraph (b) of this section shall be used in every award except (1) where § 650.5 of this part is applicable, or (2) where the award is for a fellowship or traineeship as provided in § 650.6 of this part, or (3) where the award falls within a class of awards as provided in § 650.7 of this part, or (4) where the award is subject to an Institutional Patent Agreement entered into pursuant to § 650.8 of this part.

(b) The following clause shall be included in Foundation awards in accordance with paragraph (a) of this section:

RIGHTS IN INVENTIONS

(a) Whenever any invention which is, or may be, patentable is conceived or first actually reduced to practice in the course of or under this _____,[1] the _____,[2] shall furnish the Foundation with complete information thereon; and the Foundation shall have the right to determine whether or not and where a patent application shall be filed, and to determine the disposition of the invention and title to and rights under any patent application or patent that may result. The Foundation, in making such a determination, shall take into account the public interest and equities of the grantee. In any case, the Foundation may arrange to have the invention described in a printed publication.

(b) The _____,[2] for itself and for its employees, agrees that all documents will be executed and all other actions taken necessary or proper to carry out the determination of the Foundation.

(c) Except as otherwise authorized in writing by the _____,[3] _____,[2] will insert in each subcontract having experimental, developmental, or research work as one of its purposes, provisions making this article applicable to the subcontractor and its employees and any lower-tier subcontractors and their employees.

---

[1] Insert "grant" or other applicable term as the case may be.

[2] Insert "grantee" or other applicable term as the case may be.

[3] Insert "Grants Officer" or other applicable term as the case may be.

§ 650.5 Requests for special provisions at time of award.

(a) At the request of the prospective grantee, special provisions other than the clause at § 650.4(b) of this part may be negotiated where the award falls within section 1(b) of the President's Policy or where exceptional circumstances, as set forth in section 1(a) of the President's Policy, exist. In accordance with section 1(c) of the President's Policy, such provisions may also be negotiated at the time of award with educational or other nonprofit institutions having a demonstrated capability for effective patent management.

(b) In negotiating such provisions the procedures, requirements, and limitations of, and the clauses prescribed at 41 CFR 25–9.103(c) shall be applicable.

§ 650.6 Fellowships and traineeships.

Each fellowship awarded by the Foundation shall include the provision below. This provision defines the rights of the Foundation and is not intended to preclude educational institutions from obtaining rights in accordance with their policies. A substantially similar provision shall be used in Traineeship awards.

RIGHTS IN INVENTIONS

(a) Whenever any invention which is, or may be, patentable is conceived or first actually reduced to practice in the course of the fellowship, and a patent application is filed thereon, the Fellow shall furnish the Foundation with complete information thereon and a copy of the patent application with date of filing and serial number.

Title to and rights in any such invention shall remain in the Fellow; provided, however, that the Fellow hereby grants (and agrees to execute upon request a confirmatory license) a nonexclusive, nontransferable, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the Government of the United States (including any Government agency) and States and domestic municipal governments, unless the Director determines that it would not be in the public interest to acquire the license for State and domestic municipal governments. The Fellow further agrees that unless the Fellow, his licensee or his assignee, has taken effective steps within three years after a patent issues on any such invention to bring the invention to the point of practical application or has made the invention available for licensing royalty-free or on terms that are reasonable under the circumstances, or can show cause why he should retain the principal or exclusive rights for a further period of time, the Government, acting through the Director of the National Science Foundation or his delegee(s), shall have the right to require the granting of a nonexclusive or exclusive license to a responsible applicant(s) on terms that are reasonable under the circumstances. It is also agreed that the Government, acting through the Director of the National Science Foundation or his delegee(s), shall have the right to require the granting of a nonexclusive or exclusive license to a responsible applicant(s) on terms that are reasonable under the circumstances (i) to the extent that the invention is determined to be required for public use by governmental regulations or (ii) is determined to be necessary to fulfill health or safety needs.

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

(c) As requested by the Foundation, the Fellow shall make periodic written reports on the commercial use that is being made or is intended to be made of any such inventions.

(d) The Fellow agrees that the following statement will be included in the second paragraph of the specification of the patent application and any resulting patent:

"The Government has rights in this invention pursuant to a fellowship awarded by the National Science Foundation."

(e) Nothing herein shall affect or limit the rights that the Government may have in any invention pursuant to the terms of any other award to any other party.

§ 650.7 Special classes of awards.

With the approval of the General Counsel, alterations to the clause prescribed at § 650.4(b) may be used allowing or guaranteeing the grantee's retention of specific rights in special classes of awards where the amount of support is small and where all or a part of the work will take place at profit-making organizations, for example, an "Option B" type Engineering Research Initiation Grant or a Faculty Research Participation Grant.

§ 650.8 Institutional Patent Agreements.

(a) The Foundation has determined that the public interest in the availability of inventions will normally best be served by allowing educational and other nonprofit institutions having a technology transfer program meeting the criteria set forth in paragraph (b) of this section the right to a first option to ownership in inventions made in the course of or under awards (other than fellowships or traineeships) and contracts, subject to the limitations described in paragraph (c) of this section. This right will be embodied in an Institutional Patent Agreement (hereinafter sometimes referred to as an "IPA"), which will generally apply to all awards made to and contracts made with the institution, other than contracts to operate a National Research Center or similar facility. The purpose of IPA's is to reduce unnecessary administrative burdens when institutions have effective means and active programs for exploiting inventions in the public interest. The Foundation reserves the right to and may deny a request for an IPA or terminate an existing IPA with an otherwise qualified institution in cases where the institution's record of invention disclosures to the Foundation, the level of Foundation support to the institution, or other factors appear to minimize the advantages of issuing or continuing an IPA in comparison with the administrative burdens which would otherwise exist.

(b) Among the criteria which will be considered in determining whether an institution has a satisfactory technology transfer program are the following:

(1) The institution has a formal patent policy which is administered on a continuous basis by an officer or organization responsible to the institution.

(2) The institution can give assurance that employees are legally obligated to assign to the institution any inventions made by them in the course of or under awards.

(3) The institution has an effective invention disclosure system.

(4) The institution has an active and effective promotional program for the licensing and marketing of inventions which is consistent with the objectives of the President's Policy.

(c) Institutional Patent Agreements will (1) reserve to the Government the rights specified in § 650.10 of this part; (2) require the institution or its patent management organization normally to license inventions on a nonexclusive basis and failing this to limit, unless otherwise approved by the Foundation, exclusive licenses granted under domestic patents to a period of three years from first commercial sale or eight years from the date of the inception of the license agreement, whichever occurs first; provided that, after the period specified above for the duration of exclusive licenses, additional licenses will be made available on a nonexclusive basis at no greater royalties; (3) limit the use of patent management organizations to those specified in the IPA or approved by the Foundation; (4) provide that the institution use any net royalty income retained by it for the support of education or scientific research; (5) provide that the Foundation may exempt specific awards and contracts from the application of the IPA; and (6) include such other terms and conditions as are considered necessary.

(d) Institutions desiring to enter into IPA's should contact the Office of General Counsel for additional information. The General Counsel has been given authority to negotiate IPA's on behalf of the Foundation subject to approval of an institution's qualifications for patent management by the NSF Patent Policy Review Committee and approval and execution by the Grants and Contracts Officer.

(e) Except as provided in § 650.10(f) of this part, the General Counsel, or his designee, is authorized to act on behalf of the Foundation in connection with decisions and actions which may be required under Institutional Patent Agreements (such as the granting of time extensions, required approvals, or other administrative actions).

(f) In accordance with applicable criteria and guidelines established by the Director and/or individual Assistant Directors, NSF Program Managers or other Foundation personnel shall identify and refer to the NSF Patent Policy Review Committee any potential awards to institutions holding IPA's which might be considered for exclusion from the coverage of the IPA.

§ 650.9 Greater rights determination after disclosure.

(a)(1) Grantees desiring to retain rights in inventions made under or during the course of awards containing provisions that condition the retention of principal rights in such inventions by the grantee on the determination of the

Foundation, such as those prescribed at § 650.4(b) of this part, should address their request to the General Counsel who has been delegated authority to make such determinations. In all such cases the General Counsel shall seek the recommendations and advice of the Patent Policy Review Committee.

(2) Such requests should contain the following information:

(i) The award number, and subcontract number, if applicable, under which the invention was made;

(ii) A complete invention disclosure or reference to one that has previously been furnished, including any NSF identifying numbers, if known;

(iii) A description of the relationship of the invention to the main purpose of the award;

(iv) The grantee's evaluation of the commercial possibilities of the invention both in its original embodiment and in possible adaptions to other uses;

(v) An explanation of why it is believed that rights greater than free public use are needed to bring the invention into use;

(vi) The nature and extent of the rights desired;

(vii) A description of the stage of development of the invention, and an estimate of the cost of development, capital and time required to bring the invention to the point of practical application as defined in the President's Policy;

(viii) A statement of the grantee's plans and intentions to bring the invention to the point of practical application including:

(A) If further development is to be conducted by the grantee, a description of the facilities, source of funds, personnel, and marketing outlets available for the purpose and the extent to which such development is to be undertaken by the grantee or others on his behalf and/or

(B) If he intends to license the invention, a brief description of his licensing program;

(ix) A statement of any equities in the invention which the grantee believes it has in the invention which would be appropriate for consideration by the Foundation, with particular emphasis on direct contributions to the cost of making the invention as opposed to general factors such as the provision of facilities or experience in research;

(x) If other Government agencies have contributed to the cost of making the invention, the identification of such agencies and the grant or contract involved, and the approximate share of each;

(xi) A listing of other countries in which the grantee would be interested in filing applications for patents;

(xii) If publication of the substance of this invention has occurred or is planned or there has been a use or sale such as might possibly create a future statutory bar to the patenting of the invention, the name of the journal, the date or probable date of publication, a reprint of the article if it has been published or a copy of the draft as submitted for publication, and/or details regarding the use or sale of the invention;

(xiii) An identification and indication of the ownership of any patents, patent applications, or invention disclosures known to the grantee which would affect the practice of the invention.

(b) Determinations under this section shall be made on the basis of the guidelines set forth in the President's Policy and this part. In addition, the relationship of the invention to other technology controlled by the grantee shall be considered as discussed in § 650.11 of this part.

(c) (1) In cases where principal rights in an invention are left with a grantee which, itself, is not expected to further develop the invention, the Foundation requires the grantee to make reasonable attempts to license inventions on a nonexclusive basis; provided that an exclusive license may be granted if the grantee determines that an exclusive license is necessary as an incentive for development of the invention or because market conditions are such as to require licensing on an exclusive basis in order to bring the invention into use. This determination shall be in writing and supplied to the Foundation at or before the time an exclusive license is granted. Any such exclusive license granted under a domestic patent or patent application will normally be limited to a period of three years from first commercial sale or eight years from the inception of the license agreement, whichever occurs first. Thereafter, unless the original exclusive license period is extended with the approval of the Foundation, additional licenses will be made available on a nonexclusive basis at a royalty not greater than that charged to the exclusive licensee.

(2) In addition to the requirements of paragraph (c)(1) of this section, any determination under this section shall reserve to the Government the rights set forth in § 650.10 of this part. In addition, if it has not already done so, the grantee will be required to have a domestic patent application filed on the invention within 6 months from the date of the determination, or such longer period as may be authorized by the Foundation for good cause shown by the grantee. Each determination will also include appropriate provisions concerning foreign rights. The determination may also include such other provisions as are considered appropriate.

(3) Whenever the clause at § 650.4(b) has been used or an Institutional Patent Agreement is applicable and the grantee does not wish to retain principal rights and neither the Foundation nor any other Government agency notified of the invention by the Foundation wishes to take principal rights in the invention, it shall normally be dedicated to the public through publication. However, principal rights may be left in the inventor(s) if he (they) so request upon demonstration of an intention to exploit the invention and a description satisfactory to the Foundation of the means by which this is to be accomplished. All such requests will be made and processed in accordance with the procedures set forth in this section and determinations thereon shall contain the requirements of paragraphs (c) (1) and (2) of this section.

§ 650.10 Minimum government rights.

In all cases where the grantee or any other person or entity has been allowed to retain or obtain principal rights in an invention or possible future inventions, whether at the time of award or after an invention has been identified, the Foundation shall reserve the following minimum rights, if not otherwise required by or inconsistent with any other provision of this part.

(a) A nonexclusive, nontransferable, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the Government of the United States (including any Government agency) and States and domestic municipal governments, unless the Director determines that it would not be in the public interest to acquire the license for the States and domestic municipal governments.

(b) The right to sublicense any foreign government pursuant to any existing or future treaty or agreement, but only if the Director determines it would be in the national interest to acquire this right.

(c) The principal or exclusive rights to the invention (or the right to acquire the same) in any country in which the grantee does not elect to secure a patent.

(d) The right to require written reports at reasonable intervals on the commercial use that is being made or is intended to be made of the invention.

(e) The right to require the inclusion of the following appropriately completed statement in the second paragraph of the specification of any patent application or patent: "The Government has rights in this invention pursuant to Grant (or other award designation) No. _____ awarded by the National Science Foundation."

(f) The right to require the granting of a nonexclusive or exclusive license to a responsible applicant on terms that are reasonable under the circumstances (1) unless it is determined that effective steps have been taken within three years after a patent issues on the invention to bring the invention to the point of practical application, or that the invention has been made available for licensing royalty-free or on terms that are reasonable under the circumstances or unless cause can be shown why the Foundation should not exercise this right for some further period of time; (2) to the extent the invention is determined to be necessary to fulfill health or safety needs; or (3) to the extent the invention is determined to be needed for other public purposes stipulated in the award. Determinations and other actions taken pursuant to this paragraph (f) shall be by the Director or by such person(s) as he may designate.

(g) The right to approve any license covering the invention proposed to be granted to any of the following persons or organizations:

(1) Any person who participated as an employee of the grantee in the research leading to the conception and/or actual reduction to practice of the invention;

(2) An organization of which a person described in subsection (g)(1) of this section was an active promoter or organizer or in which such a person is an officer, director, or holds a substantial interest;

(3) An organization of which the grantee was an active promoter, organizer, or financer.

Approval of such a license shall be given only if the grantee can show that a bona fide effort was made without success to interest other organizations, known to be interested in the subject matter of the invention, in becoming licensees, or can otherwise show why the public interest will best be served by the proposed licensing arrangement. Notwithstanding anything above, this paragraph (g) shall not apply in the case of an award to a for-profit grantee.

§ 650.11 Availability of inventions to the public.

(a) A major objective of the Foundation is to encourage the use of inventions arising out of activities supported by the Foundation. It is important that any useful product or process developed or improved under an award is made available to the public on reasonable terms. In some cases, to ensure such availability it may be necessary, either at the time of award or in connection with the determination under § 650.9 to require the grantee to furnish to responsible applicants technical data or rights in other inventions to the extent necessary to practice the invention made or product or process developed or improved under the award.

(b) Program managers or other Foundation personnel shall refer cases involving preexisting proprietary technology (such as "proprietary data," "trade secrets," patents, or patent applications) to the General Counsel or the Patent Policy Review Committee in accordance with applicable Staff Memoranda.

§ 650.12 Delegations.

The General Counsel is authorized to make any determinations required by these regulations to be made by the Director, including determinations required by the President's Policy to be made by the head of the agency, except those specified in § 650.10(f).

Dated: November 14, 1974.

H. GUYFORD STEVER,
Director.

[FR Doc.74-27503 Filed 12-3-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1033—CAR SERVICE

[4th Rev. S.O. No. 1119; Amdt. 1]

Demurrage on Freight Cars

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

Upon further consideration of Service Order No. 1119 (39 FR 35666), and good cause appearing therefor:

It is ordered, That Service Order No. 1119 be, and it is hereby, amended by revising paragraph (e) as follows:

§ 1033.1119 Demurrage on freight cars.

* * * * *

(e) *Expiration date.* The provisions of this order shall expire at 6:59 a.m., February 1, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 3798, 383, 384, as amended (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10-17), 15(4), and 17(2)))

Effective date. This amendment shall become effective at 6:59 a.m., December 1, 1974.

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-28333 Filed 12-3-74;8:45 am]

PART 1124—ADEQUACY OF PASSENGER SERVICE

[Ex Parte No. 277; (Sub-No. 1)]

Penalties for Violation

At a Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 4th day of October 1974.

Upon further consideration of the record in this proceeding, the report and order of the Commission, dated December 7, 1973, 344 I.C.C. 758, wherein regulations for the adequacy of intercity rail passenger service were promulgated and adopted, the report and order on further consideration of the Commission dated March 27, 1974, 346 I.C.C. 75, wherein certain of the aforesaid regulations were modified temporarily due to the energy problem and other good cause, the order of the Commission dated July 15, 1974, wherein the Commission reopened this proceeding for the purpose of proposing modifications of Regulations 23 and 26 (§§ 1124.23 and 1124.26 of 49 CFR Chapter X) and of a statement in opposition to the above proposed modifications, filed by the National Railroad Passenger Corportion (Amtrak) on August 5, 1974:

It is ordered, That for the reasons stated in the report attached hereto, and made a part hereof, Regulations 23 and 26 of the Commission's Regulations for the Adequacy of Intercity Rail Passenger Service, as set forth in appendix C of the report at 344 I.C.C. 758 (814, 815), as herein modified, supplemented, and amended be, and they are hereby, adopted as follows:

§ 1124.23 (Reg. 23): Prescription of penalties for carriers in violation.

Any carrier in violation of any of these regulations shall be subject to the penalties prescribed in section 801 of the Rail Passenger Service Act of 1970, unless such carrier takes corrective action as prescribed by the Commission (in the manner set forth elsewhere in these regulations), or in a manner acceptable to the Commission and passenger, provides satisfaction to passengers injured as a result of the violation.

§ 1124.26 (Reg. 26): Execution of penalties against carriers in violation.

Where the Commission staff determines that a violation of these regulations has occurred, the matter may be referred to the Department of Justice for appropriate enforcement under section 801 of the Rail Passenger Service Act or the Commission may take such other steps as it deems appropriate in the circumstances, including among others, informal or formal steps to settle the matter in dispute on a fair and equitable basis;

It is further ordered, That this order shall become effective on the date of service; and of a statement in opposition to the above proposed modifications, filed by National Railroad Passenger Corporation (Amtrak) on August 5, 1974:

It is further ordered, That except as herein modified, supplemented, and amended, the report and order of December 7, 1973, in the above-entitled proceeding, as modified, supplemented, and amended by the report and order on further consideration of March 27, 1974, shall remain in full force and effect; and

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-28327 Filed 12-3-74;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 1046]

[Docket No. AO–123–A42]

MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Executive Inn, Freedom Way and Watterson Expressway, Louisville, Kentucky, beginning at 9:00 a.m., on December 18, 1974, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Louisville-Lexington-Evansville marketing area.

The hearing is called 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 governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Since the proposals applicable to diverted milk could change significantly the quantities of milk that may be shipped to nonpool plants and priced under the order as diverted milk, the plant at which such milk shall be considered as having been received for the purpose of pricing it under the order will be open for consideration at the hearing.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY DAIRYMEN, INC.

PROPOSAL NO. 1

Amend § 1046.7, Pool Plant, to omit paragraph (c), to delete in paragraph (d) the third "or", and all of (2) following the word "or", and revise paragraph (b) to read as follows:

(b) A country plant from which not less than 50 percent of milk physically received at such plant or diverted from such plant pursuant to § 1046.13 is transferred to and received at a city plant in the form of milk or skim milk.

PROPOSAL NO. 2

Amend paragraph (c)(2) of § 1046.13, Producer Milk, and add new paragraphs (c)(3) through (c)(7) as follows:

§ 1046.13 Producer milk.

* * * * *

(c) * * *

(2) During the months of September through February, not less than 20 days' production of the producer whose milk is diverted is physically received at the pool plant;

(3) During the months of March through August, not less than 10 days' production of the producer whose milk is diverted is physically received at a pool plant;

(4) To the extent that it would result in nonpool status for the pool plant from which diverted, milk diverted for the account of a cooperative association from the pool plant of another handler shall not be producer milk;

(5) During the months of March through August a cooperative association may divert for its account the milk of any member producers without limit during the month if the total quantity of milk so diverted does not exceed one-third of the cooperative's total member producer milk during that month;

(6) During the months of March through August the operator of a pool plant other than a cooperative association may divert for his account the milk of any nonmember producer without limit during the month if the total volume of milk diverted does not exceed one-third of the nonmember producer milk at such plant during that month; and

(7) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to paragraphs (c)(5) and (6) of this section. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

PROPOSAL NO. 3

Amend paragraphs (a), (e)(1) and (f) of § 1046.73, Payments to Producers and Cooperative Associations, to read as follows:

§ 1046.73 Payments to Producers and Cooperative Associations.

(a) On or before the 7th day following each of the first two 10-day periods of each month to each producer, who did not discontinue shipping milk to such handler within seven days following the end of the 10-day period for which payment is to be made, an amount equal to not less than 90 percent of the uniform price for the preceding month multiplied by the hundredweight of milk received from such producer during the 10-day period for which payment is being made, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph; *Provided*, That for the months of April through July the rate per hundredweight shall be adjusted by the rate specified in § 1046.61(h); and *Provided further*, That for the months of October through January the rate shall be adjusted such that it does not include the amount required by § 1046.61(g).

* * * * *

(e)(1) On or before the 5th day preceding the last day on which a payment may be made pursuant to paragraph (a) of this Section, the total pounds of milk received during the 10-day period for which payment is to be made.

(f)(1) Each handler shall pay to the cooperative association on or before the 7th day following each of the first two 10-day periods of each month for milk received from it as a handler described in § 1046.9(c) an amount equal to not less than 90 percent of the uniform price for the preceding month for all months except January and April when applicable percentage shall be 85 percent of the uniform price for the preceding month, multiplied by the hundredweight of milk received from the cooperative during the 10-day period for which payment is being made.

(2) Each handler shall make final payment to the cooperative association on or before the 10th day of the following month at an amount computed at not less than the value of such milk at the minimum prices for milk in each class as adjusted by the butterfat differential specified in § 1046.74 that are applicable at the location of the receiving handler's pool plant, less payments made pursuant to paragraph (f)(1) of this section.

PROPOSED BY NATIONAL FARMERS' ORGANIZATION

PROPOSAL NO. 4

Amend subparagraph (2) of paragraph (c) of § 1046.13 to read as follows:

(2) Not less than 4 days' production of any producer whose milk is diverted during any of the months of October, November, January and February is physically received at a pool plant during the month;

Not less than 2 days' production of any producer whose milk is diverted during

any of the months of March, April, May, June, July, August, September and December is physically received at a pool plant during the month.

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 5

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 3920 Bardstown Road, Louisville, Kentucky (P.O. Box 18030, Louisville, Kentucky 40218), or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on: November 29, 1974.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.74-28300 Filed 12-3-74;8:45 am]

[7 CFR Part 1063]

MILK IN THE QUAD CITIES-DUBUQUE MARKETING AREA

Notice of Proposed Suspension of a Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Quad Cities-Dubuque marketing area is being considered for the months of December 1974 and January 1975.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, on or before December 9, 1974. All documents filed should be in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provision proposed to be suspended is § 1063.13(b)(2), limits diversion of a producer's milk from a pool plant to a nonpool plant in September through January to the number of days that his milk was delivered from his farm to a pool plant during the month.

The proposed suspension would remove the limitation on diversion of producer milk in December 1974 and January 1975.

Land O'Lakes, Inc., requested this suspension for the months of December 1974 and January 1975 to accommodate the handling of reserve supplies of milk for this market. The cooperative states it is now making uneconomic and fuel-consuming deliveries of producer milk from farms to pool distributing plants and then reloading the milk for transfer back to a manufacturing plant located in the area from which the milk was picked up from producers' farms. This proposed suspension would permit the movement of milk directly from farms to the nonpool plant thus reducing hauling costs and fuel consumption.

Signed at Washington, D.C., on November 27, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74-28299 Filed 12-3-74;8:45 am]

[7 CFR Part 1098]

[Docket No. AO-184-A37]

MILK IN THE NASHVILLE, TENNESSEE, MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Hilton Airport Inn, Nashville Municipal Airport, Nashville, Tennessee, beginning at 1:00 p.m., on December 16, 1974, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Nashville, Tennessee, marketing area.

The hearing is called 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 governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY DAIRYMEN, INC.

PROPOSAL NO. 1

Amend § 1098.7(b), Pool Plant, by deleting all language of paragraph (b) following the first sentence.

PROPOSAL NO. 2

Amend § 1098.7(c), Pool Plant, by replacing the words "two-thirds" with the words "60 percent."

PROPOSAL NO. 3

Amend paragraph (b) of § 1098.13, *Producer milk*, to read as follows:

§ 1098.13 Producer milk.

* * * * *

(b) Diverted from a pool plant to a nonpool plant that is not a producer-handler plant subject to the following conditions:

(1) Such milk shall be determined to have been received by the diverting handler at the plant to which diverted;

(2) During the months of September through February, not less than 20 days' production of the producer whose milk is diverted is physically received at the pool plant;

(3) During the months of March through August, not less than 10 days' production of the producer whose milk is diverted is physically received at a pool plant;

(4) To the extent that it would result in nonpool status for the pool plant from which diverted, milk diverted for the account of a cooperative association from the pool plant of another handler shall not be producer milk;

(5) During the months of March through August a cooperative association may divert for its account the milk of any member producer without limit during the month if the total quantity of milk so diverted does not exceed 40 percent of the cooperative's total member producer milk during the month;

(6) During the months of March through August the operator of a pool plant other than a cooperative association may divert for his account the milk of any nonmember producer without limit during the month if the total volume of milk diverted does not exceed 40 percent of the nonmember producer milk at such plant during that month; and

(7) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to paragraphs (b) (5) and (6) of this section. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

* * * * *

PROPOSAL NO. 4

Amend paragraph (a) of § 1098.71, *Payments to the Producer-Settlement Fund*, to read as follows:

§ 1098.71 Payments to the Producer-Settlement Fund.

(a) On or before the 5th day following each of the first two 10-day periods of each month each handler receiving milk from producers or from a handler described in § 1098.9(c) shall pay to the market administrator for deposit into the producer-settlement fund an amount of money calculated by multiplying the hundredweight of producer milk received by him during the 10-day period for which payment is being made by an amount equal to not less than 90 percent of the uniform price for the preceding month.

* * * * *

PROPOSAL NO. 5

Amend paragraph (a) of § 1098.73 *Payments to Producers and to Cooperative Associations*, to read as follows:

§ 1098.73 Payments to Producers and to Cooperative Associations.

(a) On or before the 7th day following each of the first two 10-day periods of each month, the market administrator shall make payments to each producer for milk received from such producer during the 10-day period for which pay-

ment is being made by handlers from whom the appropriate payments have been received pursuant to § 1098.71(a) at not less than 90 percent of the uniform price per hundredweight for the preceding month: *Provided*, That payment shall not be made to those producers who have discontinued deliveries to handlers from whom the appropriate payments have been received pursuant to § 1098.71(a).

PROPOSED BY NATIONAL FARMERS' ORGANIZATION

PROPOSAL NO. 6

Amend paragraph (b) of § 1098.13 by adding the following proviso at the end of the first sentence in said paragraph.

§ 1098.13 Producer milk.

* * * * *

(b) * * * *Provided*, That (i) not less than 4 days' production of any producer whose milk is diverted during any of the months of September through February is physically received at a pool plant during such month; (ii) not less than 2 days' production of any producer whose milk is diverted during any of the months of March through August is physically received at a pool plant during such month.

PROPOSAL NO. 7

Amend paragraph (a) of § 1098.71 to read as follows:

(a) On or before the 22nd day of each month each handler receiving milk from producers or from a handler described in § 1098.9(c) (except for producers having made deliveries for less than 20 days during the month) shall pay to the market administrator for payment into the producer-settlement fund an amount of money calculated by multiplying the hundredweight of producer milk received by him during the first 15 days of such month by an amount equal to not less than 90 percent of the uniform price for the preceding month.

PROPOSAL NO. 8

Amend paragraph (a) of § 1098.73 to read as follows:

(a) On or before the third day prior to the last day of the month, the market administrator shall make payment to each producer for milk received during the first 15 days of such month by handlers from whom the appropriate payments have been received pursuant to § 1098.71(a) at not less than 90 percent of the uniform price for the preceding month.

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 9

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Suite 251, Theatre Office Building, 100 Oaks Shopping Center, Nashville, Tennessee, or from the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on: November 29, 1974.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.74-28301 Filed 12-3-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[41 CFR Parts 3–3, 3–16]

HANDLING OF LATE PROPOSALS

Proposed Policies and Procedures

Notice is hereby given in accordance with the administrative provisions in 5 U.S.C. 553 that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Office of the Secretary is considering an amendment to Chapter 3, by adding a new § 3–3.802–1, *Consideration of late proposals*, to Subpart 3–3.8, Price Negotiation Policies and Techniques, and amending § 3–3.103–50, *Notifying and debriefing of unsuccessful offerors*, Subpart 3–3.51, selection of offerors for negotiation and award, and § 3–16.5001, *Standardized request for proposal (RFP) format and checklist for solicitation documents*.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Deputy Assistant Secretary for Grants and Procurement Management, OASAM, Room 3078, HEW Switzer Building, 330 C Street, SW., Washington, D.C. 20201, on or before January 3, 1975. All comments submitted pursuant to this notice will be available for public inspection during regular business hours in the Office of Grants and Procurement Management.

This amendment prescribes policies and procedures relative to the handling of late proposals, revises policies and procedures relative to the notification of offerors, and revises the requirements for the conduct of evaluations.

Dated: November 27, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

1. As proposed, the new § 3–3.802–1 would read as follows:

§ 3–3.802–1 Consideration of late proposals.

(a) The following provision regarding the receipt and consideration of proposals for award that are received after the exact time set for receipt in the request for proposal shall be placed in each solicitation:

LATE PROPOSALS, MODIFICATIONS OF PROPOSALS AND WITHDRAWAL OF PROPOSALS

(a) Any proposal received at the office designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made, and:

(1) It was sent by registered or certified mail not later than the fifth calendar day prior to the date specified for receipt of offers (e.g., an offer submitted in response to a solicitation requiring receipt of offers by the 20th of the month must have been mailed by the 15th or earlier);

(2) It was sent by mail (or telegram if authorized) and it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation; or

(3) It is the only proposal received.

(b) Any modification of a proposal, except a modification resulting from the Contracting Officer's request for "best and final" offer is subject to the same conditions as in (a)(1) and (a)(2) of this provision.

(c) A modification resulting from the Contracting Officer's request for "best and final" offer received after the time and date specified in the request will not be considered unless received before award and the late receipt is due solely to mishandling by the Government after receipt at the Government installation.

(d) The only acceptable evidence to establish:

(1) The date of mailing of a late proposal or modification sent either by registered or certified mail is the U.S. Postal Service postmark on the wrapper or on the original receipt from the U.S. Postal Service. If neither postmark shows a legible date, the proposal or modification shall be deemed to have been mailed late. (The term "postmark" means a printed, stamped, or otherwise placed impression that is readily identifiable without further action as having been supplied and affixed on the date of mailing by employees of the U.S. Postal Service.)

(2) The time of receipt at the Government installation is the time-date stamp of such installation on the proposal wrapper or other documentary evidence of receipt maintained by the installation.

(e) Notwithstanding (a), (b), and (c), of this provision, a late modification of an otherwise successful proposal which makes its terms more favorable to the Government will be considered at any time it is received and may be accepted.

(f) Proposals may be withdrawn by written or telegraphic notice received at any time prior to award. Proposals may be withdrawn in person by an offeror or his authorized representative, provided his identity is made known and he signs a receipt for the proposal prior to award.

(b) Proposals and modifications of proposals received in the office designated in the request for proposals after the exact time specified are late proposals and shall be considered for award only if the circumstances set forth in the provision in § 3–3.802–1(a) of this section, are applicable. When a late proposal or modification of proposal is received and it is clear from available information that it cannot be considered for award (e.g., when the postmark clearly shows that the proposal was mailed later than the fifth day prior to the date specified), the contracting officer, or his authorized representative, shall promptly notify the offeror that it was received late and will not be considered for award. However, when a late proposal or modification of proposal is transmitted by registered or certified mail and it is received before award but it is not clear from the available information whether it can be con-

sidered, the offeror shall be promptly notified substantially in accordance with the notice in § 1–2.303–6, appropriately modified to relate to proposals.

(c) Where only one proposal is involved and it is received after the time specified, it may be evaluated and considered for award. As used in this section the term "only proposal received" means a proposal which is one submitted by (1) the only offeror responding to the request for proposals, (2) a sole source, or (3) an offeror who is offering proprietary items in response to a request for proposal which specifies that awards will be made on the basis of proprietary items identified by the offeror by brand name, model, type, or other identification. With respect to paragraph (c) (3) of this section the term does not mean an offer which is based on a performance specification or a brandname product which is specifically identified in the request for proposal.

(d) The normal revisions of proposals by offerors selected for discussion during the usual conduct of negotiations with such offerors are not to be considered as late proposals or later modifications to proposals but shall be handled in accordance with § 1–3.805.

* * * * *

2. Paragraph (b) (2) of § 3–3.103–50 *Notifying and debriefing of unsuccessful offerors*, is hereby revised as follows:

§ 3–3.103–50 Notifying and debriefing of unsuccessful offerors.

* * * * *

(b) * * *

(2) As soon as practicable after the determination of the competitive range, all offerors shall be notified at the same time whether their proposals are within that range. The following is a sample notification letter to those offerors not considered in the competitive range:

Reference: Your Proposal No. ____

Subject: DHEW Request for Proposal (RFP) No. ------.

GENTLEMEN: Your proposal submitted in response to the subject Request for Proposal (RFP) has been evaluated. Upon examination of your proposal in accordance with the criteria set forth in the RFP, it has been determined that the proposal is not within the competitive range, price and other factors considered. (A brief explanation of the reasons for this determination should also be included in the letter.) No further information is available at this time. You will be notified of any award(s) made as a result of the solicitation.

Notification will include the name of the successful offeror(s) and dollar amount of the resulting contract(s).

Since no further negotiations will be conducted with you concerning the subject RFP, no revision of your proposal will be considered.

Your interest in our requirements is appreciated.

Sincerely yours,

Contracting Officer.

Particular care should be taken to ensure that the offeror is advised that proposal revisions will not be considered. The notification to those in the competitive range need only state this fact. A post-award notification will be given to every unsuccessful offeror and it will include the name of the successful offeror(s) and dollar amount of the resulting contract(s). Upon request, in accordance with paragraph (a) of this section, unsuccessful offerors shall be furnished the reasons why their proposals were not accepted. Debriefings of unsuccessful offerors should be conducted only after award has been made. Debriefings may be given before award if the contracting officer determines it is in the best interest of the Government to do so and that such a debriefing would not harm the integrity of the procurement process. Any debriefing which is given before the award of a contract shall be limited to a discussion of the unsuccessful offeror's proposal. Costs proposed by other offerors will not be discussed.

* * * * *

§§ 3–3.5107—3–3.511 [Redesignated]

3. Subpart 3–3.51, Selection of offerors for negotiation and award, is amended as follows:

(a) Sections 3–3.5106 through 3–3.5110 are redesignated as §§ 3–3.5107 through 3–3.5111 respectively.

(b) The following new § 3–3.5106 is added:

§ 3–3.5106 Conduct of evaluation.

Personnel participating in any way in evaluating proposals shall not reveal any information concerning the evaluations underway except to an individual participating in the same evaluation proceedings, and then only to the extent that such information is required in connection with such proceedings. Divulging information during the evaluation, selection, and negotiation phases of the procurement to personnel not having a need to know could jeopardize any resultant award. The Contracting Officer will therefore instruct personnel participating in the evaluations to observe these restrictions and assure that personnel understand that unauthorized disclosure of information, no matter how innocent, could subject such personnel to disciplinary action.

* * * * *

§ 3–16.5001 [Amended]

4. Paragraph (i) (4) of § 3–16.5001, *Standardized request for proposal (RFP) format and checklist for solicitation documents* is hereby deleted and the following is substituted in lieu thereof:

(4) LATE PROPOSAL, MODIFICATIONS OF PROPOSALS AND WITHDRAWALS OF PROPOSAL

Include the provisions set forth in § 3–3.802 in accordance with the instructions contained in the above referenced subsection.

[FR Doc.74–28312 Filed 12–3–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 153]

[CGD 73–185]

OIL AND HAZARDOUS SUBSTANCE LIABILITY

Notice of Proposed Rule Making

The Coast Guard is considering revising the pollution regulations to conform with Pub. L. 92–500, the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816, 33 U.S.C. 1251 et seq.) which was enacted on October 18, 1972. Section 2 of this statute amended the Federal Water Pollution Control Act (FWPCA). Sections 11 and 12 of the FWPCA were replaced by section 311 of Pub. L. 92–500, and in accordance with that amendment, the Coast Guard is considering revising those regulations issued under section 11 which continue in force under the savings provisions of section 4(b) of Pub. L. 92–500.

Written Comments. Interested persons may participate in this rule making by submitting written data, views, or arguments to Commandant (G–CMC), U.S. Coast Guard, Room 8234, Washington, D.C. 20590. Written comments should include the docket number of this notice (CGD 73–185), the name and address of the person submitting the comments, the specific section of the proposal to which each comment is addressed, and the reasons for any recommendations.

Closing date for comments. All communications received on or before January 16, 1975, will be evaluated before final action is taken on this proposal. The proposal may be changed in light of the comments received. Copies of all written comments received will be available for examination by interested persons in Room 8234, 400 Seventh Street, SW, Washington, D. C. 20590.

One of the most significant changes made by Pub. L. 92–500 related to hazardous substances. Under section 12(c) of the FWPCA prior to this amendment, any person in charge of a vessel or facility was required to report a discharge of a hazardous substance into the navigable waters of the U. S. However, there was no penalty for the discharge nor for the failure to notify, and no liability for the cost of removal effected by the Federal Government. Pub. L. 92–500 changed this. Section 311 of that Act treats hazardous substances in a manner similar to oil. The person responsible for notification, removal, equipment requirements, and discharge penalties with respect to oil is under the same obligation with respect to hazardous substances. This parallel treatment reflects the recognition by Congress of the inherent dangers to the environment of both oil and hazardous substances.

The hazardous substances to which Pub. L. 92–500 apply are to be designated, in accordance with section 311(b), by the Environmental Protection Agency, which will also determine the quantities which

are harmful. The Coast Guard has been advised by the Environmental Protection Agency that the designation of a hazardous substance and the correlative determination of harmful quantity is a complex and demanding effort and that, at the present time, no list of designated hazardous substances has been completed since the Administrator has not yet decided upon a method of computing harmful quantities. The proposed regulations contained in this document would become applicable to hazardous substances when those determinations are available.

These proposed regulations have a more extensive application than those promulgated under the FWPCA, which applied only to navigable waters of the United States as that term has been limited by the traditional concepts of navigability. Pub. L. 92–500 defines navigable waters in section 502(7) to mean "the waters of the United States, including the territorial seas". Based on legislative intent that is stated in Senate Report No. 92–1236 (Sept. 28, 1972) at page 144, the Coast Guard views the definition as making Pub. L. 92–500 applicable to the entire riverine system within the United States, extending upstream to the sources, whatever and wherever they may be.

The Coast Guard is proposing to expand the delegations of authority contained in Subpart A of Part 153 of Title 33, Code of Federal Regulations. The present delegations in 33 CFR 153.03 have limited the Coast Guard in its efforts to carry out its statutory responsibilities to supervise and direct removal operations and assess civil penalties. The program proposed should ensure a quicker response by the Coast Guard with a minimum of administrative procedure. Decisions regarding removal and the assessment of civil penalties are best made by the local district commander, or his designee, who is in close contact with the situation and can best assess all the relevant facts. A delegation in proposed § 153.105(b), concerning determinations of imminent and substantial threat because of actual or threatened discharges of oil or hazardous substances shall be exercised only after consultation with—

1. The Administrator of the Federal Highway Administration when the discharge of oil or hazardous substance involves a motor vehicle;

2. The Administrator of the Federal Railroad Administration when the discharge of oil or hazardous substances involves rolling stock;

3. The Assistant Secretary for Environment, Safety, and Consumer Affairs, Department of Transportation, when the discharge oil or hazardous substance involves rolling line system; and

4. The Administrator of the Federal Aviation Administration when the discharge of oil or hazardous substance involves an aircraft.

The proposed amendments to Subpart B of Part 153 of Title 33, Code of Federal Regulations, are concerned with discharge notification to the Coast Guard as required in section 311(b)(5) of Pub. L. 92–500. To better assist the public in complying with the law, the Coast Guard proposes to specify a priority notification system. Under this procedure, the public would first dial the code "800" and then the telephone number "424–8802" which would connect the caller toll free with the National Response Center located at Coast Guard Headquarters in Washington, D.C. The information will then be referred by the Coast Guard to the field office responsible for the area in which the discharge has occurred. There are also proposals for alternate notification procedures. This notice is in addition to the notice of certain hazardous materials incidents and detailed hazardous materials incident reports required in 46 CFR 2.20–65 and 2.20–70.

The Coast Guard is proposing to add a new Subpart C to 33 CFR Part 153 in order to establish guidelines which owners or operators of vessels or onshore facilities located in "coastal waters" will follow in the event of a discharge. This subpart is designed to clarify the procedures to be followed when a discharge occurs. Since initial response is of critical importance to adequate containment, these proposals were written to facilitate the quickest response. This subpart provides procedures which are authorized to contain and remove discharges. It also provides guidelines which enable those persons subject to the Act to establish removal contingency plans with the On-Scene Coordinator (OSC) outlining removal actions. While these plans are not required, they are encouraged so as to provide for a minimum level of preparedness on the part of an owner or operator. The plans should be reviewed annually by the preparer. The level of preparedness would enable prompt initiation of proper removal actions. The Coast Guard will be prepared to initiate removal actions when the person responsible for the discharge does not institute procedures deemed by the OSC to be proper. All procedures will be consistent with the National Contingency Plan and applicable Regional Contingency Plans.

The proposed amendments to Subpart D of Part 153 would clarify policies, procedures, and reporting requirements concerning payments from, and deposits into, the Pollution Fund. This Fund was established by authority of the FWPCA and was funded with an initial appropriation of $20 million. The Fund is available to pay certain costs determined to be proper charges by the Commandant. Congress, in Pub. L. 92–500, specifically provided for State reimbursements. It is proposed that State reimbursement will be made on claims resulting from State removal actions that are authorized and deemed appropriate by the Federal OSC. Expenditures from the Fund are normally authorized for operations under the applicable phases of the National Contingency Plan and pursuant to its provisions.

Environmental impact. The Coast Guard has determined that these proposed regulations do not have the potential to significantly affect the quality of the human environment. The determination is based on two factors. First, the regulations are primarily administrative in nature. Secondly, the regulations are based on the Federal policies established in the National Contingency Plan coordinated and published by the Council on Environmental Quality, for which no impact statement was required.

In consideration of the foregoing, it is proposed to revise Part 153 of Chapter 33 of the Code of Federal Regulations, to read as follows:

PART 153—OIL AND HAZARDOUS SUBSTANCE LIABILITY

Subpart A—General

Sec.
153.101 Purpose
153.103 Definitions
153.105 Delegations
153.107 Redelegations

Subpart B—Notice of the Discharge of Oil and Hazardous Substance

153.201 Purpose
153.203 Procedure for the Notice of Discharge
153.205 Penalty

Subpart C—Removal of Discharged Oil

153.301 Purpose
153.303 Applicability
153.305 Methods and Procedures for the Removal of Discharged Oil
153.307 Removal Contingency Plan
153.309 Penalties

Subpart D—Administration of the Pollution Fund

153.401 Purpose
153.403 Applicability
153.405 Reimbursement to the Pollution Fund
153.407 Reimbursement from the Pollution Fund
153.411 Procedures; Payment of Judgments and Compromises
153.413 Deposit of Money into the Fund
153.415 Reporting and Accounting Procedures

AUTHORITY: Sec. 311(j)(1)(A) and (m), 86 Stat. 862 (33 U.S.C. 1321(j)(1)(A) and (m)); secs. 2, 5, and 7, E.O. 11735 (38 FR 21243); 49 CFR 1.45(b) and 1.46(l) and (m).

Subpart A—General

§ 153.101 Purpose.

The purpose of this part is to prescribe regulations concerning notification to the Coast Guard of the discharge of oil or hazardous substance, the procedures for the removal of a discharge of oil, and the costs that may be imposed or reimbursed for the removal of a discharge of oil or hazardous substances.

§ 153.103 Definitions.

As used in this part:

(a) "Act" means the Federal Water Pollution Control Act (Pub. L. 92–500, 86 Stat. 816 (Oct. 18, 1972)).

(b) "Oil" means oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(c) "Hazardous substance" means any substance designated by the Administrator of the Environmental Protection Agency pursuant to section 311(b)(2) of the Act.

(d) "Discharge" includes, but is not limited to, any spilling, leaking, pump-

ing, pouring, emitting, emptying or dumping.

(e) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

(f) "Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(g) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(h) "Person" includes an individual, firm, corporation, association, and a partnership.

(i) "Onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land.

(j) "Offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel.

(k) "Pollution Fund" and "Fund" mean the revolving fund established in the Treasury under the authority in section 311(k) of the Act to carry out the provisions of section 311 (c), (d), (i), and (l) of the Act.

(l) "On-Scene Coordinator" or "OSC" is the predesignated Federal official provided for or furnished by the Environmental Protection Agency or the Coast Guard to coordinate and direct Federal removal efforts at the scene of an oil or hazardous substance discharge as prescribed in the National Oil and Hazardous Substance Pollution Contingency Plan (National Contingency Plan) prepared pursuant to section 311(c)(2) of the Act and published in 40 CFR Part 1510.

(m) "Agency Coordinator" or "AC" is the Federal Official designated by the Environmental Protection Agency or the Coast Guard to coordinate and direct the removal or elimination of threats of pollution hazards from discharges, or imminent discharges, of oil or hazardous substances, and the removal and destruction of vessels, under the authority of section 311(d) of the Act.

(n) "Harmful quantity" means those quantities of oil and any hazardous substance the discharge of which, at such time, locations, circumstances, and conditions are determined to be harmful to the public health or welfare of the United States under section 311(b)(4).

NOTE: Regulations with respect to harmful quantities of oil are published in 40 CFR Part 110.

(o) "Coastal waters" generally are the U.S. waters navigable by deep draft vessels, the contiguous zone, the high seas, and other waters subject to tidal influence.

NOTE: Coastal waters are those U.S. waters and areas for which the Secretary of the Department in which the Coast Guard is operating has the responsibility to provide or furnish On-Scene Coordinators under the National Contingency Plan.

(p) "Inland waters" are those U.S. waters upstream from coastal waters.

NOTE: Inland waters are those U.S. waters and areas for which the Administrator of the Environmental Protection Agency has responsibility to provide or furnish On-Scene Coordinators under the National Contingency Plan. Specific dividing lines between coastal and inland waters are contained in the Regional Contingency Plans published pursuant to the National Contingency Plan.

(q) "Remove" or "Removal" as defined by the Act, refers to removal of oil from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches.

(r) "Chemical agents" means those elements, compounds, or mixtures that disperse, dissolve, emulsify, neutralize, precipitate, reduce, solubilize, oxidize, concentrate, conceal, entrap, fix, gell, make the pollutant mass more rigid or viscous, or otherwise facilitate the mitigation of deleterious effects or removal of the pollutant from the water.

(s) "Mechanical removal" means the use of pumps, skimmers, booms, earthmoving equipment, and other mechanical devices to contain the discharge of oil and to recover the discharge from the water.

(t) "Sorbent" means materials essentially inert and insoluble used to remove oil from water through a variety of sorption mechanisms. Examples include straw, expanded perlite, polyurethane foam, reclaimed paper fibres, and peat moss.

(u) "Chief, Office of Marine Environment and Systems" means the Coast Guard Officer designated by the Commandant to assist and advise him on matters relating to marine environmental protection, port safety and security aids to navigation, and bridges over navigable waters.

§ 153.105 Delegations.

(a) Each district commander, within his assigned district, is delegated authority to—

(1) Assess a civil penalty in accordance with the procedures in Subpart 1.07 of this chapter of not more than $5,000 for each offense against an owner or operator of any vessel, onshore facility, or offshore facility from which oil or a hazardous substance has been discharged into or upon the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone in violation of section 311(b)(3) of the Act;

(2) Make the request, allowed in section 311(b)(6) of the Act, of the Secretary of the Treasury to withhold clearance required by 46 U.S.C. 91 of any vessel the owner or operator of which is subject to the penalty prescribed in section 311(b)(6) of the Act;

(3) Make the determination, allowed in section 311(b)(6) of the Act, whether or not clearance required by 46 U.S.C. 91 may be granted of any vessel the owner or operator of which is subject to the penalty prescribed in section 311(b)(6) of the Act upon the filing by him of a bond or other surety satisfactory to the district commander;

(4) Assess a civil penalty in accordance with the procedures in Subpart 1.07 of this chapter of not more than $5,000 for each violation against an owner or operator of a vessel, an onshore facility, or an offshore facility, and any other person subject to regulations under section 311(j)(1) of the Act who fails or refuses to comply with those regulations, as prescribed in section 311(j)(2) of the Act;

(5) Determine an imminent and substantial threat because of an actual or threatened discharge of oil or hazardous substance from a transportation-related onshore of offshore facility, except aircraft, motor vehicles, rolling stock, or pipeline system, and to secure the relief necessary to abate that actual or threatened discharge through the United States Attorney of the district in which the threat occurs, as prescribed in section 311(e) of the Act;

(6) Authorize for each discharge of oil or hazardous substance a total expenditure of $1,000,000 or less from the Pollution Fund for costs allowed in § 153.407;

(7) Deny entry to any port or place in the United States or the navigable waters of the United States, to, and detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to section 311(p) of the Act which upon request does not provide evidence of financial responsibility, as prescribed in section 311(p)(6) of the Act; and

(8) Except for public vessels, board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, with or without a warrant arrest any person who in his presence or view violates a provision of section 311 of the Act or any regulation issued thereunder, and execute any warrant or other process issued by an officer or court of competent jurisdiction.

(b) The Chief, Office of Marine Environment and Systems, is delegated authority to (1) Carry out, in coastal waters, the functions contained in section 311(d) of the Act which are, whenever a marine disaster has created a substantial threat of a pollution hazard from a vessel, to coordinate and direct all public and private efforts directed at the removal or elimination of that threat, and to summarily remove and if necessary destroy that vessel;

(2) Authorize for each discharge of oil or hazardous substance an expenditure in excess of $1,000,000 from the Pollution Fund for costs allowed in § 153.407 of this part; and

(3) Determine an imminent and substantial threat because of an actual or threatened discharge of oil or hazardous substance from aircraft, motor vehicles, rolling stock, or pipeline system, and secure the relief necessary to abate that actual or threatened discharge, as prescribed in section 311(e) of the Act.

(c) Each Coast Guard official predesignated as On-Scene Coordinator by the applicable Regional Contingency Plan is delegated authority, pursuant to section 311(c)(1) of the Act, to remove or arrange for the removal of any oil or hazardous substance discharged into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, unless he determines that the removal is being done properly by the owner of the vessel or facility from which the discharge occurs.

§ 153.107 Redelegations.

Except for the authority granted in § 153.105(a)(5), (b)(2), and (c), each Coast Guard officer to whom authority is granted in § 153.105 may redelegate and authorize successive redelegations of that authority within the command under his jurisdiction.

Subpart B—Notice of the Discharge of Oil or a Hazardous Substance

§ 153.201 Purpose.

The purpose of this subpart is to prescribe the manner in which the notice required in section 311(b)(5) of the Act is to be given and to list the government officials to receive that notice.

NOTE: The notice required in this subpart is in addition to the notice required in 46 CFR 2.20-65 which requires notice to the Coast Guard of certain hazardous materials incidents.

§ 153.203 Procedure for the Notice of Discharge.

(a) Except as prescribed in paragraph (b) of this section, any person in charge of a vessel or an onshore or offshore facility shall, as soon as he has knowledge of any discharge of oil or a hazardous substance in violation of section 311(b)(3) of the Act, immediately notify by telephone, radio telecommunication, or a similar means of rapid communication, one of the following persons listed in order of priority:

(1) Duty Officer, National Response Center, U.S. Coast Guard, 400 Seventh Street, SW, Washington, D.C. 20590, toll free telephone number 800-424-8802.

(2) Commanding Officer or Officer-in-Charge of any Coast Guard unit in the vicinity of the discharge, or in the case of a discharge into the Panama Canal Zone, the Marine Traffic Control in Cristobal or Balboa.

(3) The government official predesignated in the applicable Regional Contingency Plan as the On-Scene Coordinator for the geographic area in which the discharge occurs.

NOTE: Regional Contingency Plans are available at Coast Guard District Offices and Environmental Protection Agency (EPA) Regional Offices, as indicated in Table 2. Coast Guard District Office and EPA Regional Office addresses are listed in Table 1.

(4) Commander of the Coast Guard district in which the discharge occurs.

NOTE: States and their corresponding Coast Guard districts are listed in Table 2.

(5) Regional Administrator of the Environmental Protection Agency for the region in which the discharge occurs.

NOTE: States and their corresponding EPA regions are listed in Table 2.

(b) For discharges occurring in Alaska and Hawaii the order of priority of notification is the same as in paragraph (a) of this section, except paragraph (a)(1) does not apply.

§ 153.205 Penalty.

Section 311(b)(5) of the Act prescribes that any person who fails to notify the appropriate Agency of the United States Government immediately of a discharge is, upon conviction, subject to a fine of not more than $10,000, or to imprisonment of not more than one year, or both.

TABLE 1.—*Addresses and telephone numbers of Coast Guard district offices and EPA regional offices*

	Address	Telephone
EPA REGIONAL OFFICES		
Region:		
I	Room 2303, John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617-223-7265
II	Room 908, 26 Federal Plaza, New York, N.Y. 10007.	201-548-8730
III	Curtis Bldg., 6th and Walnut Sts., Philadelphia, Pa. 19106.	215-597-0898
IV	1421 Peachtree St. NE., Atlanta, Ga. 30309.	404-526-5062
V	1 North Wacker Dr., Chicago, Ill. 60606.	312-782-1100
VI	Suite 1600, 1600 Patterson St., Dallas, Tex. 75201.	214-749-3840
VII	1735 Baltimore Ave., Kansas City, Mo. 64108.	816-374-3778
VIII	Suite 900, 1860 Lincoln St., Denver, Colo. 80203.	303-837-3880
IX	100 California St., San Francisco, Calif. 94111.	415-556-6254
X	1200 6th Ave., Seattle, Wash. 98101.	206-442-1200
COAST GUARD DISTRICT OFFICES		
District:		
1st	150 Causeway St., Boston, Mass. 02114.	617-223-3644
2d	Federal Bldg., 1520 Market St., St. Louis, Mo. 63101.	314-622-4614
3d	Governors Island, New York, N.Y. 10004.	212-264-4800
5th	Federal Bldg., 431 Crawford St., Portsmouth, Va. 23705.	703-393-9611
7th	Room 1018, Federal Bldg., 51 Southwest 1st Ave., Miami Fla. 33130.	305-350-5611
8th	Customhouse, New Orleans, La. 70130.	504-527-6225
9th	1240 East 9th St., Cleveland, Ohio 44199.	216-522-3983
11th	Heartwell Bldg., 19 Pine Ave., Long Beach, Calif. 90802.	213-590-2311
12th	630 Sansome St., San Francisco, Calif. 94126.	415-556-5500
13th	618 2d Ave., Seattle, Wash. 98104.	206-524-2903
14th	677 Ala Moana Blvd., Honolulu, Hawaii 96813.	808-546-7109
17th	P.O. Box 3-5000, Juneau, Alaska 99801.	907-586-7340

TABLE 2

STANDARD ADMINISTRATIVE REGIONS OF STATES AND CORRESPONDING COAST GUARD DISTRICTS AND EPA REGIONS

States and EPA Region	*Coast Guard District*
Region I:	
Maine	1st.[1]
New Hampshire	1st.
Vermont	1st.
Massachusetts	1st.
Connecticut	3d.
Rhode Island	1st.
Region II:	
New York:	
Coastal area	3d.[1]
Great Lakes area	9th.
New Jersey	3d.
Puerto Rico	7th.
Virgin Islands	7th.
Region III:	
Pennsylvania:	
East coast	3d.
Lakeside	9th.
Maryland	5th.[1]
Delaware	3d.
West Virginia	2d.
Virginia	5th.
District of Columbia	5th.
Region IV:	
Kentucky	2d.
Tennessee	2d.
North Carolina	5th.
South Carolina	7th.[1]
Georgia	7th.
Florida	
Atlantic and Gulf coasts	7th.
Panhandle	8th.
Alabama	8th.
Mississippi	8th.
Canal Zone	7th.
Region V:	
Minnesota	9th.[1]
Wisconsin	9th.
Michigan	9th.
Illinois	9th.
Indiana	9th.
Ohio	9th.
Region VI:	
New Mexico	2d.
Texas	8th.[1]
Oklahoma	2d.
Arkansas	2d.
Louisiana	8th.
Region VII:	
Nebraska	2d.
Iowa	2d.
Kansas	2d.
Missouri	2d.
Region VIII:	
Montana	2d.
Wyoming	2d.
Utah	2d.
Colorado	2d.
North Dakota	2d.
South Dakota	2d.
Region IX:	
California:	
Northern	12th.[1]
Southern	11th.
Nevada	2d.
Arizona	2d.
Hawaii	12th.
Guam	14th.
American Samoa	14th.
Trust Territories of the Pacific	14th.
Region X:	
Washington	13th.[1]
Oregon	13th.
Idaho	2d.
Alaska	17th.

[1] Coastal plans for standard regions are available for public inspection.

Subpart C—Removal of Discharged Oil

§ 153.301 Purpose.

The purpose of this subpart is to prescribe methods and procedures to be used to remove discharges of oil from coastal waters.

§ 153.303 Applicability.

The provisions of this subpart apply to any owner or operator of a vessel or onshore or offshore facility from which a discharge of oil into coastal waters occurs who acts to remove or arranges for the removal of such discharge.

§ 153.305 Methods and Procedures for the Removal of Discharged Oil.

Each person who removes or arranges for the removal of a discharge of oil from coastal waters shall (a) Use to the maximum extent possible mechanical methods and sorbents that (1) Most effectively expedite removal of the discharged oil;

(2) Minimize secondary pollution from the removal operation; and

(3) Are accepted by the Federal OSC;

NOTE: The Federal OSC is authorized by the provisions of the National Contingency Plan to require or deny the use of specific mechanical methods and sorbents. Sorbent selection considerations of the OSC include hydrographic and meteorological conditions, characteristics of the sorbent, and availability of a mechanical method for containment and recovery.

(b) Control the source of the discharge, prevent further discharge, and halt or slow the spread of the discharge by a mechanical method;

(c) Recover the discharged oil from the water by a mechanical method;

(d) Use chemical agents only in accordance with the provisions of Annex X of the National Contingency Plan and with the prior approval of the Federal OSC; and

(e) Dispose of recovered oil and oil contaminated materials in accordance with applicable State and local government procedures.

§ 153.307 Removal Contingency Plan.

Any person subject to this subpart may submit to the appropriate Federal OSC a removal contingency plan establishing the specific actions which will be taken for a discharge of oil into the coastal waters. These removal actions should conform to the provisions of the National Contingency Plan, the applicable Regional Contingency Plan, and this subpart. This plan may be included in the Operations Manual of oil transfer facilities required in Subpart B of Part 154 of this chapter.

§ 153.309 Penalties.

Section 311(j)(2) of the Act prescribes that any person who fails or refuses to comply with the provisions of this subpart is liable to a civil penalty of not more than $5,000.

Subpart D—Administration of the Pollution Fund

§ 153.401 Purpose.

This subpart prescribes policies, procedures and reporting requirements for the payment from and deposit into the Fund established pursuant to section 311(k) of the Act.

§ 153.403 Applicability.

The provisions of this subpart apply to (a) Each Federal and State agency that desires reimbursement from the Fund for costs incurred during a removal activity; and

(b) The owner or operator of the vessel or onshore or offshore facility from which a discharge occurs that requires Federal removal actions.

§ 153.405 Reimbursement to the pollution fund.

The owner or operator of the vessel or onshore or offshore facility from which a discharge occurs that requires Federal removal actions is liable for the costs of Federal and State agencies as prescribed in § 153.407, for pay and allowances of Federal agency personnel involved, and for capital depreciation of Federal agency resources, not to exceed the limits established by sections 311 (f) and (g) of the Act.

§ 153.407 Reimbursement from the pollution fund.

A Federal or State agency may be reimbursed for each of the following costs incurred during performance of a Phase III or IV activity, defined by the National Contingency Plan, as authorized by the appropriate OSC under the authority of section 311(c) of the Act and of the provisions of the National Contingency Plan, or during the removal or elimination of threats of pollution hazards from discharges, or imminent discharges, of oil or hazardous substances, and the removal and destruction of vessels, as authorized by the appropriate Act under the authority of section 311(d) of the Act:

(a) Costs incurred by government industrial type facilities, including charges for overhead in accordance with the agency's industrial accounting system.

(b) Actual costs for which an agency is required or authorized by any law to obtain full reimbursement.

(c) Costs incurred as a result of removal activities that are not ordinarily funded by an agency's regular appropriations and that are not incurred during normal operations. These costs include, but are not limited to, the following:

(1) Travel (transportation and per diem) specifically requested of the agency by the On-Scene Coordinator.

(2) Overtime for civilian personnel specifically requested of the agency by the On-Scene Coordinator.

(3) Incremental operating costs for vessels, aircraft, vehicles, and equipment incurred in connection with the removal activity.

(4) Supplies, materials, and equipment procured for the specific removal activity and fully expended during the removal activity.

(5) Lease or rental of equipment for the specific removal activity.

(6) Contract costs for the specific removal activity.

NOTE: Federal procurement procedures governing contracts to purchase property and services apply to costs incurred as a result of removal activities. Where the public exigency will not permit the delay incident to advertising, purchases and contracts are negotiated pursuant to 10 U.S.C. 2304(a)(2) or 41 U.S.C. 252(c)(2), as applicable.

§ 153.411 Procedures: Payment of judgments and compromises.

An owner or operator of a vessel or an onshore or offshore facility who obtains a judgment against the United States under section 311(i) of the Act may have that judgment satisfied by requesting payment of the judgment from the Pollution Fund in writing to the Commandant (G-L), 400 7th Street SW, Washington, D.C. 20590. This request must be accompanied by a copy of the judgment and must designate to whom payment should be made.

§ 153.413 Deposit of money into the fund.

Any person subject to the payment of the following may remit payment by check or postal money order, payable to the U.S. Coast Guard, to the cognizant District Commander, or to the Commandant for deposit into the Pollution Fund as prescribed in section 311(k) of the Act:

(a) A fine imposed or compromised under section 311(b)(5) of the Act.

(b) A civil penalty assessed or compromised under section 311(b)(2), (b)(6), or (j)(2) of the Act, including the proceeds of a bond or other surety obtained pursuant to section 311(b)(6).

(c) A claim asserted by the cognizant District Commander for costs recoverable under sections 311 (f) and (g) of the Act.

(d) A judgment obtained by the United States for costs recoverable under sections 311 (f) and (g) of the Act.

§ 153.415 OSC and AC reports.

As soon as practicable after completion of an action authorized under section 311(c) or (d) of the Act, the OSC or AC submits a report to the cognizant District Commander that must include (a) Names of agencies and contractors authorized to participate in the action;

(b) A general description of the function performed by each participating agency and contractor;

(c) An estimate of the cost of each function performed by each participating agency and contractors, and

(d) A copy of contracts, memoranda, or other documents pertaining to the functions performed by the participating agencies and contractors.

§ 153.417 Reimbursement for actions under section 311(c) of the Act.

(a) Each Federal or State agency may, within 60 days after completion of an action authorized under section 311(c) of the Act, submit to the cognizant District Commander, through the OSC for review and certification required in paragraph (b) of this section (1) An itemized list of costs for which it desires reimbursement from the Pollution Fund accompanied by accounting data to support the itemized costs; and

(2) An itemized list of costs that are not reimbursable from the Pollution Fund but are recoverable under section 311(f) or (g) of the Act to be deposited into the Pollution Fund. The list must be accompanied by accounting data to support the itemized costs.

(b) Requests for reimbursement submitted by Federal and State agencies in accordance with the provisions in paragraph (a) of this section are reviewed by the OSC to ensure that the costs for which reimbursement is being sought were authorized as Phase III and IV removal actions and must have one of the following certifications by the OSC, as appropriate:

(1) I certify that the actions for which reimbursement is being requested in the attached statements were authorized by me as Phase III and IV removal actions, and reasonable costs related thereto are proper for payment from the Pollution Fund.

(Signature)

OSC---
(Incident title)

(Pollution incident project number)

(2) I certify that, except as noted below, the actions for which reimbursement is being requested in the attached statements were authorized by me as Phase III and IV removal actions, and reasonable costs related thereto are proper for payment from the Pollution Fund. The following actions were not authorized by me and are not subject to reimbursement from the Pollution Fund:

(Signature)

OSC---
(Incident title)

(Pollution incident project number)

§ 153.419 Reimbursement for actions under 311(d) of the Act.

(a) Each Federal or State agency may, within 60 days after completion of an action authorized under 311(d) of the Act, submit to the cognizant District Commander, through the AC for review and certification required in paragraph (b) of this section. (1) An itemized list of costs for which it desires reimbursement from the Pollution Fund accompanied by accounting data to support the itemized costs; and

(2) An itemized list of costs that are not reimbursable from the Pollution Fund but are recoverable under section 311(f) or (g) of the Act to be deposited into the Pollution Fund. This list must be accompanied by accounting data to support the itemized costs.

(b) Requests for reimbursement submitted by Federal and State agencies in accordance with the provisions in paragraph (a) of this section are reviewed by the AC to ensure that the costs for which reimbursement is being sought were authorized under section 311(d) of the Act and must have one of the following certifications by the AC, as appropriate:

(1) I certify that the actions for which reimbursement is being requested in the attached statements were authorized by me as removal actions under section 311(d) of the FWPCA and reasonable costs related thereto are proper for payment from the Pollution Fund.

(Signature)

AC ---
(Incident title)

(Pollution incident project number)

(2) I certify that, except as noted below, the actions for which reimbursement is being requested in the attached statements were authorized by me as removal actions under section 311(d) of the FWPCA, and reasonable costs related thereto are proper for payment from the Pollution Fund. The following actions were not authorized by me and are not subject to reimbursement from the Pollution Fund:

(Signature)

AC ---
(Incident title)

(Pollution incident project number)

(Sec. 311(j)(1)(A) and (m), 86 Stat. 862 (33 U.S.C. 1321(j)(1)(A) and (m); Sections 2, 5, and 7, E.O. 11735 (38 FR 21243); 46 CFR 1.45(b) and 1.46(l) and (m))

Dated: November 27, 1974.

W. E. CALDWELL,
Captain U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.74-28163 Filed 12-3-74;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-CE-21]

ALTERATION OF TRANSITION AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Sedalia, Missouri.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before January 3, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

The public use instrument approach procedure to the Sedalia, Missouri, Memorial Airport, is being changed from Runway 23 to Runway 18. Accordingly, it is necessary to alter the Sedalia, Missouri, transition area to provide airspace protection for aircraft utilizing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is amended to read:

SEDALIA, MISSOURI

That airspace extending upward from 700 feet above the surface within an eight-mile radius of Whiteman AFB (latitude 38°43'50" N., longitude 93°33'00" W.); within two miles each side of Whiteman AFB ILS localizer south course, extending from the eight-mile radius area to eight miles south of the OM; within a 6.5 mile radius of Sedalia Memorial Airport (latitude 38°42'15" N., longitude 93°11'00" W.); and within three miles each side of the 010° bearing from Sedalia Memorial Airport, extending from the 6.5 mile radius area to eight miles north of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of longitude 39°30'00" W., and the south edge of V12; thence north via longitude 93°30'00" W; to and east along the south boundary of V4; to and south along longitude 92°31'00" W.; to and west along the south edge of V12; to and southwest along a line eight miles southeast of and parallel to the 042° bearing from Sedalia Memorial Airport; to and clockwise along the arc of a 29-mile radius circle centered on the Whiteman AFB VOR; to and northwest along the northeast edge of V159; to and counterclockwise along the arc of a 42-mile radius circle centered on the Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.); to and east along the south edge of V12 to the point of beginning.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on November 1, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-28247 Filed 12-3-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-CE-20]

DESIGNATION OF TRANSITION AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Booneville, Missouri.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should

be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before January 3, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A public use instrument approach procedure is being developed for the Jesse Viertel Memorial Airport, Booneville, Missouri. Accordingly, it is necessary to designate a transition area at Booneville, Missouri, to provide controlled airspace protection for aircraft utilizing this instrument approach procedure. A portion of the transition area description includes an additional 1200-foot floor transition area designation to the south of Booneville in order to provide controlled airspace protection for aircraft operating under IFR enroute, to and from airports surrounding Booneville, Missouri.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

BOONEVILLE, MISSOURI

That airspace extending upward from 700 feet above the surface within a five-mile radius of the Jesse Viertel Airport (latitude 38°56'50" N., longitude 92°41'19" W.); and within three miles each side of the 011° bearing from the Jesse Viertel Airport, extending from the five-mile radius area to eight miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within an area north of the Jesse Viertel Airport bounded on the south by the north edge of V4; on the northwest by the southeast edge of V424; and on the northeast by the southwest edge of V175, excluding the portion which overlies the Moberly, Missouri transition area; and that airspace extending upward from 1,200 feet above the surface within an area south of the Jesse Viertel Airport bounded on the north by the southwest edge of V12S; on the east by the west edge of V63, excluding the portion which overlies the Columbia, Missouri transition area; on the south by the north edge of V234; and on the west by the east boundary of the Sedalia, Missouri transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on November 1, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-28246 Filed 12-3-74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 372a]

[Docket No. 27208; SPDR-40]

TRAVEL GROUP CHARTERS

Proposed Deletion of Termination Date

NOVEMBER 27, 1974.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposal to amend Part 372a of the special regulations (14 CFR Part 372a), which sets forth the rules for travel group charters. The amendment would delete and reserve § 372a.5, which presently provides for the termination of Part 372a on December 31, 1975. The principal features of the proposed amendment is set forth in the Explanatory Statement and the proposed amendment is set forth in the proposed rule. The amendments are proposed under the authority of sections 101, 204, 401, 402, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757, and 771, as amended; 49 U.S.C. 1301, 1324, 1371, 1372, and 1386.

Interested persons may participate in the proposed rule making through the submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before January 3, 1975, will be considered by the Board before taking final action upon the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

When we first adopted the rules governing Travel Group Charters (TGC's),[1] we determined that the TGC concept should be tried on an experimental basis, since the diversionary impact which this novel type of charter might have on scheduled services was not predictable. Therefore, we provided in § 372a.5 that the exemption authority underlying these charters should terminate on December 31, 1975.

In light of actual experience with the operation of TGC's under this Part, we believe that TGC's can become a viable form of charter transportation, particularly under their recently liberalized rules.[2] Moreover, since adopting the TGC rule we have intensified our effort to create feasible alternatives to "prior affinity" charters, which have historically constituted the vast bulk of charter travel, and, indeed, we are now considering the termination of "prior affinity" charters.[3] However, while we reiterate our determination to devise a set of special charter rules, including TGC's, which will make possible the elimination of "prior affinity" charters, without any substantial adverse effect on the air transportation industry or on the general public, we no longer think it is realistic to fear that TGC's alone might have so great a diversionary impact on scheduled services[4] as to require their authorization to be limited by a specified expiration date—particularly if "prior affinity" charters are terminated.

Although we have tentatively concluded that there is no need to maintain the experimental status of TGC's, we wish to make clear that, if we ultimately determine in this proceeding to make the duration of the TGC rule indefinite, we shall of course stand ready to adjust our charter rules, including the TGC rule, in such manner as may become necessary to avoid undue diversionary impact on scheduled service.

Because a distinctive feature of TGC's continues to be the long lead time required for their marketing, practical considerations may necessitate that TGC filings for travel during the winter of 1975–76 would begin to be made within the next few months. It should therefore be specifically noted that, in order to minimize uncertainty in the industry as to the status of charter rules affecting flights which must be planned far in advance of their performance, we intend to act as expeditiously as possible in considering adoption of this proposed rule.

§ 372a.5 [Reserved]

Therefore, it is proposed to amend Part 372a of the Board's special regulations (14 CFR Part 372a) as follows: Delete and reserve § 372a.5, as set forth above.

[FR Doc.74-28317 Filed 12-3-74;8:45 am]

[1] 14 CFR Part 372a, adopted by SPR-61, September 27, 1972.

[2] SPR-78, 39 F.R. 29345, August 15, 1974.

[3] EDR-237C, 39 F.R. 39289, November 6, 1974.

[4] For example, during 1973, 26% of passengers in the transatlantic market were carried on charter flights, but only 1.5% of these charter flights were TGC's.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20248; RM-1639]

FM BROADCAST STATIONS IN TEXAS

Notice of Proposed Rule Making

In the matter of amendment of §§ 73.202(b) and 73.507, Table of Assignments FM Broadcast Stations. (Floresville, Devine, Gonzales, Hondo,

Kenedy-Karnes, San Antonio, San Marcos, and Victoria, Texas).

1. Notice of Proposed Rule Making is hereby given concerning amendment of the FM Table of Assignments (§§ 73.202 (b) and 73.507 of the Commission's Rules and Regulations) with respect to the petition of A. B. Gonzales and Gus Gonzales, d/b/a Wilson County Broadcasting Company proposing various cahnges in order to assign Channel 232A to Floresville, Texas.

2. Action with respect to the petition was held in abeyance pending completion of negotiations with the United Mexican States regarding the United States-Mexico FM Broadcasting Agreement (Agreement) concerning use of FM channels along the United States-Mexico border, which became effective August 9, 1973, and which has been implemented by rule changes (43 F.C.C. 2d 293 (1973) and 46 F.C.C. 2d 153 (1974)). Because of changed circumstances, the petitioner was afforded an opportunity to amend or supplement the petition; see Public Notice, adopted April 11, 1974 (Mimeo No. 20582). In fact, petitioner filed a supplement proposing to assign Channel 232A to Floresville by changing assignments at Devine, Gonzales, Kenedy-Karnes, San Antonio, San Marcos, and Victoria, and deleting the channel assignment at Hondo.

3. Floresville, population 3,707, the seat of Wilson County, population 13,041, is located approximately 31 miles south of San Antonio, Texas. Petitioner has furnished information concerning the nature and activities of Floresville and an engineering statement. We are told that Floresville is an independent community with a socio-political existence of its own. We are given information as to the existence of churches, fraternal and social organizations, medical services, the number of financial institutions, the type of government activities located there (city, county, and federal), and as to radio broadcast service from other communities. Petitioner alleges that Wilson County and the adjoining Counties of Karnes, Guadalupe, and Medina are dependent on agricultural activities and there has been an intensification of oil and gas activities. It is asserted that Floresville is the hub of activities because of accessibility. While there is radio service from broadcast stations at San Antonio, Seguin, Karnes City, and Pleasanton, petitioner alleges that there is no local coverage and in particular for the farmers and ranchers for whom daily price data and weather information is essential. It is also argued that a local station would permit coverage of local affairs (e.g., Chamber of Commerce meetings, church festivals, youth programs).

4. In order to assign Channel 232A at Floresville, as already noted, petitioners propose channel changes at six communities and the deletion of a channel assignment at Hondo. Hondo, population 5,487, is the county seat of Medina County, population 20,249. Hondo is located approximately 40 miles west of San Antonio. Station KRME, a daytime-only AM station, is licensed to Hondo. The other channels involved in the proposed changes are presently vacant, that is, there are neither stations operating nor applications for the channels.

5. We are adopting the Notice in this proceeding on the basis that sufficient information has been adduced by petitioners to indicate that the public interest, convenience, and necessity may be served by the assignment of an FM channel to Floresville. The essential question is whether the public interest would be better served by adding a local outlet at Floresville or leaving one at Hondo. We note that both Floresville and Hondo are outside the San Antonio Urbanized Area. On the one hand, Hondo has a daytime-only AM station of its own while Floresville has no local service. On the other hand, Floresville receives a substantial amount of service from San Antonio stations as well as others with at least a 1 mV/m service while Hondo receives only one such service from San Antonio's Station KMFM. It would thus appear that the public interest, convenience, and necessity would be better served by the denial of the petition on the basis of making a fair, efficient, and equitable distribution of radio service as required by section 307(b) of the Communications Act of 1934, as amended. In establishing the FM Table of Assignments, one of the priorities we intended to implement as set out in the Further Notice of Proposed Rule Making, adopted July 25, 1962 (FCC 62–857), was to provide each community with at least one FM broadcast station if lacking or having a daytime-only, or local AM station especially if the community is outside an urbanized area. Third Report, Memorandum Opinion and Order in Docket No. 14185, 40 F.C.C. 747, 758 (1963). However, as to communities with a population of 10,000 or less, we have pursued a policy of not making assignments unless there is a showing that someone is ready, willing, and able to proceed to apply for a channel if assigned, and to build the station promptly if application is granted. In the circumstances, we feel that it is appropriate for a Notice to be promulgated. However, we also have followed a policy of not making assignments to a community which has an abundance of service—albeit not local in nature—if another community would be deprived.

6. In view of the foregoing, it is proposed to amend §§ 73.202(b) and 73.507 of the Commission's rules and regulations, as concerns the following communities:

City	Channel No.	
	Present	Proposed
Floresville, Tex.		232A
Devine, Tex.	232A	221A [1]
Gonzales, Tex.	201A, 292A	220A, 292A
Hondo, Tex.	202A, 221A	202A
Kenedy-Karnes, Tex.	220A, 232A	201A, 221A [2]
San Antonio, Tex.	206, 212A, 218A, 225, 241, 247, 251, 262, 270, 274, 283, 298	206, 212A, 219A, 225, 241, 247, 251, 262, 270, 274, 283, 298
San Marcos, Tex.	219A, 279	218A, 279
Victoria, Tex.	203A, 221A, 236, 254	203A, 236, 254, 300

[1] The transmitter site must be located at least 2.5 miles southwest.
[2] The transmitter site must be at Kenedy or south thereof.

Because Floresville and the other cities referred to above are located within the 199-mile border area covered by the United States-Mexico FM Broadcasting Agreement, it will be necessary to obtain the consent of the United Mexican States to the proposed channel changes.

7. Authority for the action taken herein will be found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules and Regulations.

8. *Showings required.* Comments are invited as to the proposals referred to above. As already noted, we question whether it is appropriate to assign a channel to a city of the size of Floresville while depriving another community with a slightly greater population (Hondo) of its FM channel assignment, especially when Floresville receives an abundance of service from San Antonio and other cities, while Hondo's only broadcast service is from a local daytime-only AM station and an FM station at San Antonio. Petitioner should make an affirmative showing in this respect. Petitioner should also affirm that if a channel is assigned to Floresville he will promptly apply for the channel and if the application is granted to promptly build a station. Failure to file comments or address the issues raised may result in dismissal.

9. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

10. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before January 3, 1975 and reply comments on or before January 23, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply

comments, or other appropriate pleadings.

11. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. These will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: November 20, 1974.

Released: November 27, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] PAUL WM. PUTNEY,
Acting Chief,
Broadcast Bureau.

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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 AGRICULTURE

Animal and Plant Health Inspection Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 391.1, the following table lists the establishments operating under Federal inspection pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), which have been officially reported as using humane methods of slaughter and incidental handling of the species of livestock respectively designated for such establishments in the table. Additions to and deletions from this list will be made from time to time as the facts may warrant, by notices published in the FEDERAL REGISTER. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected and passed at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all such species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods.

Establishments slaughtering humanely

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equine
Armour & Co.	2C	(*)					
Do.	2H					(*)	
Do.	2W					(*)	
Do.	2AT					(*)	
Do.	2CC	(*)					
Do.	2SA			(*)			
Do.	2SD					(*)	
Do.	2WN	(*)					
Swift & Co.	3C					(*)	
Do.	3G	(*)					
Do.	3H	(*)				(*)	
Do.	3L					(*)	
Do.	3N	(*)				(*)	
Do.	3R	(*)				(*)	
Do.	3S					(*)	
Do.	3Y	(*)					
Do.	3Z	(*)					
Do.	3AE					(*)	
Do.	3BW			(*)	(*)		
Do.	3CN			(*)			
Do.	3GI	(*)					
Do.	3GW					(*)	
Do.	3TA	(*)					
Lykes Brothers, Inc., of Georgia	8	(*)					
Lykes Brothers, Inc.	8B	(*)					
Pauly Packing Co., Inc.	10	(*)					
The Evans Packing Co.	11	(*)	(*)			(*)	
Hygrade Food Products Corp.	12A					(*)	
Do.	12P	(*)					
Do.	12FW	(*)					
John Morrell & Co.	17A	(*)				(*)	
Do.	17D	(*)		(*)		(*)	
Do.	17E					(*)	
Do.	17U	(*)					
C. Finkbeiner, Inc.	18	(*)				(*)	
Wilson & Co., Inc.	20A	(*)				(*)	
Do.	20H					(*)	
Do.	20I	(*)				(*)	
Do.	20L					(*)	
Do.	20N	(*)	(*)	(*)		(*)	
Do.	20Q	(*)	(*)			(*)	
Wilson Beef & Lamb Co.	20U			(*)			
Wilson & Co., Inc.	20Y	(*)	(*)	(*)		(*)	
Do.	20AI			(*)	(*)		
Do.	20MO					(*)	
Swift & Co.	23	(*)		(*)			
Coast Packing Co.	25	(*)	(*)				
Patrick Cudahy, Inc.	28					(*)	
Kreinberg & Krasmy, Inc.	30	(*)					
Superior's Brand Meats, Inc.	31	(*)				(*)	
Roegelein Provision Co.	32					(*)	
Do.	32A	(*)					
Valleydale Packers, Inc.	34	(*)	(*)			(*)	
Kenton Packing Co.	36	(*)	(*)			(*)	
Sunnyland Foods, Inc.	43					(*)	
Linden Packing Co., Inc.	45	(*)					

Establishments slaughtering humanely—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equine
Idaho Meat Packers	46	(*)					
Midwestern Beef, Inc	53	(*)					
Insel & Insel	54	(*)	(*)	(*)	(*)		
Sunnyland Packing Co. of Alabama	56	(*)					
Do	56A					(*)	
Glover Packing Co. of Amarillo	60	(*)					
Glover Packing Co	60A	(*)				(*)	
Gooch Packing Co., Inc	61	(*)				(*)	
Sunflower Beef Packers, Inc	62	(*)					
Sandusky Dressed Beef Co	63	(*)					
Auburn University Meats Laboratory	71	(*)					
Minch's Wholesale Meats, Inc	72	(*)	(*)				
Brown Thompson & Sons	73					(*)	
Baltic Corp	E74						(*)
Armour & Co	75			(*)			
Dinner Bell Foods, Inc	79A					(*)	
Do	79B	(*)				(*)	
Riviana Foods, Inc.—Hill's Division	E83						(*)
Edgar Packing Co	84		(*)				
Kansas Beef Industries, Inc	86	(*)					
Do	86A	(*)					
Utica Veal Co., Inc	88	(*)					
The E. Kahn's Sons Co	89	(*)				(*)	
Peet Packing Co	90					(*)	
Laredo Packing Co	91	(*)					
Sugardale Foods, Inc	92	(*)				(*)	
Lane Packing, Inc	93	(*)	(*)	(*)			
The Val Decker Packing Co	95	(*)				(*)	
Central Packing Co., Inc	96	(*)					
A. Koch's Sons	98	(*)	(*)				
Armour & Co	100	(*)		(*)			
Liberty Packing Co	101	(*)	(*)				
J. Lynn Cornwell, Inc	107					(*)	
Contris Packing Co., Inc	110					(*)	
Wilson-Sinclair Co	111	(*)		(*)		(*)	
M. & R. Packing Co	E113						(*)
Farmland Foods, Inc	114	(*)					
Pine Burr Packing Co	116	(*)	(*)			(*)	
West Coast Meat	117	(*)	(*)	(*)		(*)	
Marhoefer Packing Co., Inc	121					(*)	
John Morrell & Co	126	(*)					
Cash Brothers Packing Co., Inc	127	(*)				(*)	
John Roth & Son, Inc	130	(*)					
Tobin Packing Co., Inc	133					(*)	
Ferrara Meat Co., Inc	134	(*)	(*)				
Nebraska Beef Packers, Inc	135	(*)	(*)				
Kluener Packing Co	142	(*)					
R. B. Rice Sausage Co., Inc	144					(*)	
Silver Falls Packing Co., Inc	153	(*)	(*)				
Dallas City Packing, Inc	156	(*)					
Cornland Dressed Beef, Inc	157	(*)					
Beefland International, Inc	158	(*)					
Missouri Farmers Association, Packing Division	159	(*)				(*)	
New York State College of Agriculture	165	(*)	(*)	(*)		(*)	
E. W. Kneip, Inc	169	(*)					
Bub Davis Packing Co	171	(*)		(*)		(*)	
American Meat Packing Corp	180					(*)	
The Rath Packing Co	186					(*)	
Do	186F					(*)	
Kent Packing Co	187	(*)					
Carl's Sausage Co	188					(*)	
Cudahy Co	191					(*)	
Krey Packing Co	192					(*)	
Hynes Packing Co	197	(*)	(*)	(*)			
United Packing Co	198	(*)		(*)			
George A. Hormel & Co	199	(*)				(*)	
Do	199A	(*)					
Do	199D					(*)	
Do	199H	(*)					
Do	199I					(*)	
Do	199N	(*)				(*)	
Caviness Packing Co., Inc	200	(*)					
Cudahy Co	202					(*)	
Platte Valley Packing Co	203	(*)					
Emge Packing Co., Inc	205	(*)				(*)	
National Beef Packing Co	208A	(*)					
Penn Packing Co	212					(*)	
E. W. Kneip, Inc	213	(*)					
Marshall Meat Products, Inc	215	(*)					
Lincoln Meat Co	217	(*)					
York Packing Co., Inc	220					(*)	
ITT Gwaltney, Inc	221A					(*)	
Armour & Co	222	(*)				(*)	
De Jong Packing Co	223	(*)	(*)				
Hygrade Food Products Corp	224	(*)				(*)	
Do	224B	(*)	(*)				
Independence Meat Co	226	(*)				(*)	
John Morrell & Co	234	(*)					
Waltl Schilling & Co., Inc	235	(*)					
Texas Technological College—animal husbandry	236	(*)		(*)		(*)	
Raskin Packing Co	237	(*)					
Shreveport Packing Co., Inc. of Kansas	239	(*)					
P. D. & J. Meats	240	(*)	(*)				
Greenwood Packing Plant	242	(*)				(*)	
Iowa Beef Processors, Inc	244	(*)					
Do	245	(*)					
Do	245A	(*)					
Do	245B	(*)					
Do	245C	(*)					
Do	245D	(*)					

Establishments slaughtering humanely—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equine
John Morrell & Co	246	(*)				(*)	
Harget Realty Corp	247					(*)	
Federal Packing Co., Inc	249	(*)					
Metro Meat Packing, Inc	253					(*)	
Magic Valley Packing Co	258	(*)					
Hyplains Dressed Beef, Inc	262	(*)					
The Jones Dairy Farm	263					(*)	
Farm Pac Kitchens, Inc	266	(*)				(*)	
Pacific Meat Co., Inc	267	(*)	(*)	(*)		(*)	
Golden Valley Packing Co	271	(*)					
Tog Packing Co., Inc	273	(*)					
Alpha Beta Acme Markets, Inc	279	(*)					
Parnett Packing Corp	283	(*)					
Solano Meat Co	285	(*)	(*)	(*)			
Western Packing Co	288	(*)					
Arbogast & Bastian Co	289					(*)	
The H. H. Meyer Packing Co	290					(*)	
San Jose Meat Co., Inc	291	(*)					
Armour & Co	292					(*)	
Iowa Beef Processors, Inc	292A	(*)					
S. Schweid	295	(*)	(*)	(*)	(*)		
Gus Juengling & Son, Inc	298	(*)					
Waldock Packing Co	299					(*)	
Great Falls Meat Co	301	(*)				(*)	
Commercial Packing Co., Inc	302	(*)					
Union Packing Co	305	(*)					
Star Packing Co	306	(*)					
Rudy's Farm Co	315					(*)	
Dutterer's of Manchester	316A	(*)				(*)	
Estes Packing Co	319	(*)	(*)				
Stadler Packing Co., Inc	320	(*)				(*)	
Steving Meat Co	322	(*)					
Rudnick Packing Co., Inc	325	(*)		(*)			
Frisco Packing Co	327	(*)	(*)				
C. & M. Meat Packing Corp	329	(*)					
Royal Packing Co	331A	(*)					
Shapiro Packing Co., Inc	332	(*)					
Great Western Packing Co., Inc	334	(*)					
Chino Valley Meat Packing Co., Inc	336	(*)	(*)				
Sam Kane Packing Co	337	(*)	(*)				
Green & Oliver Sausage Co	338					(*)	
Midland Empire Packing Co., Inc	339	(*)					
Bookey Packing Co	340	(*)					
Puckett Packing Co	343	(*)					
Gold-Pac Meat Co., Inc	344	(*)					
Anza Packing Co	345	(*)					
Union Packing Co	351	(*)					
Fresno Meat Packing Co	354	(*)					
Hernando Packing Co., Inc	355	(*)	(*)				
St. Paul Dressed Beef, Inc	357	(*)					
Clougherty Packing Co	360					(*)	
Meyer's Packing Co	363	(*)					
James Allan & Sons	365	(*)	(*)	(*)		(*)	
The Pioneer Packing Co	372					(*)	
Wilson & Co	374	(*)				(*)	
Cross Brothers Meat Packers, Inc	376	(*)	(*)	(*)			
Beeville Packing Co	377	(*)					
Emge Packing Co., Inc	380	(*)				(*)	
Smithfield Packing Co., Inc	382					(*)	
Acme Markets, Inc	384	(*)					
Freeman Brothers Packing Co	387	(*)					
Dugdale Packing Co	390	(*)					
Oldham's Farm Sausage Co., Inc	392					(*)	
Robert L. Runtz, Inc	395	(*)					
Boneless Meat Co	395B	(*)	(*)				
Dubuque Packing Co	396	(*)	(*)	(*)		(*)	
Do	396C	(*)					
Do	396D	(*)					
Logan Packing Co	397	(*)					
Watsonville Dressed Beef, Inc	398	(*)					
Los Banos Abattoir Co	400	(*)	(*)				
Oakridge Smokehouse	401	(*)	(*)	(*)		(*)	
Owens Country Sausage, Inc	403					(*)	
Williston Packing Co., Inc	405	(*)					
Neuhoff Brothers	406	(*)	(*)				
Green Bay Dressed Beef, Inc	410	(*)					
Alpine Packing Co	412	(*)	(*)				
The Lundy Packing Co	413					(*)	
Do	413A					(*)	
Frosty Morn Meats	414	(*)				(*)	
S. Bonaccurso & Sons, Inc	418	(*)	(*)				
Murray Packing Co., Inc	421	(*)					
E. W. Kneip Inc. of Iowa	422	(*)					
The Collins Packing Co	423					(*)	
Kenosha Packing Co., Inc	425	(*)					
Schneider Packing Co	439	(*)					
Omaha Dressed Beef Co., Inc	441	(*)					
Del Curto Meat Co	445	(*)	(*)	(*)	(*)	(*)	
A. Dicillo & Sons, Inc	448	(*)	(*)				
Dewitt Packing Corp	456	(*)	(*)				
Morris Rifkin & Sons, Inc	460	(*)					
Pioneer Boneless Beef, Inc	461	(*)					
Lancaster Packing Co	462	(*)					
Litvak Packing Co	465	(*)					
Becwar Packing Co	467	(*)	(*)			(*)	
Cornhusker Packing Co	468	(*)					
Missouri Beef Packers, Inc	473	(*)					
Do	473A	(*)					
Do	473B	(*)					
Mid-States Industries, Inc	476	(*)					
Armour & Co	477	(*)					
Gotham Provision Co., Inc	481	(*)	(*)				
Saint Croix Abattoir	482	(*)	(*)	(*)	(*)	(*)	
Robel Beef Packers	485	(*)					
East Tennessee Packing Co	487	(*)				(*)	
Memphis Butchers Association, Inc	488	(*)				(*)	
E. W. Kneip, Inc	489	(*)					

Establishments slaughtering humanely—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equine
Gold Ring Packing Co	490	(*)		(*)			
Fairbank Farms, Inc	492	(*)	(*)				
Mid-State Meat Packers, Inc	494	(*)	(*)				
Bartel's Meat Co	497	(*)	(*)	(*)		(*)	
Heim Brothers Packing Co	499	(*)				(*)	
The Hull & Dillon Packing Co	510	(*)				(*)	
Shen-Valley Meat Packers, Inc	511	(*)				(*)	
Snider Brothers, Inc	512	(*)	(*)				
Averich Packing Co., Inc	513	(*)					
Pork Packers International, Inc	520					(*)	
Oklahoma State University—meat laboratory	526	(*)	(*)	(*)		(*)	
Sebastopol Meat Co., Inc	527	(*)	(*)			(*)	
Armour & Co	528	(*)					
Smallwood Packing Co., Inc	529	(*)					
Marysville Meat Packing Co., Inc	533	(*)	(*)				
Pepper Packing Co	536	(*)					
Oscar Mayer & Co., Inc	537A	(*)				(*)	
Do	537B					(*)	
Do	537C					(*)	
Do	537E					(*)	
Midwest Packing Co	538	(*)					
Growers Meat Co., Inc	548	(*)	(*)	(*)		(*)	
Pride Packing Co., Inc	549	(*)	(*)				
Salter Packing Co	551	(*)					
Black Hills Packing Co	554	(*)					
Mid-South Packers, Inc	557	(*)				(*)	
D. & W. Packing Co	560	(*)	(*)			(*)	
Packerland Packing Co., Inc	562	(*)					
Packerland Packing Co	562A	(*)					
Packerland Packing Co. of Texas, Inc	562C	(*)					
Elmer Bender & Son, Inc	569		(*)	(*)			
Perretta Packing Co., Inc	571	(*)					
Coil, Inc	575	(*)	(*)				
Frosty Morn Meats, Inc	576					(*)	
Armour & Co	579	(*)				(*)	
Coffeyville Packing Co., Inc	583	(*)					
Frederick & Herrud, Inc	586					(*)	
Dawson-Baker Packing Co., Inc	588	(*)					
Carr Packing Co., Inc	593	(*)					
Elk Grove Meat Co	601	(*)					
San Antonio Packing Co	602	(*)		(*)	(*)		
Do	602A	(*)				(*)	
Wright Packing Co	603	(*)	(*)				
Copper State Meat Co., Inc	604	(*)	(*)				
Wilson-Sinclair Co	606					(*)	
Eastern Oregon Meat Co., Inc	611	(*)		(*)		(*)	
Donner Packing Co	614	(*)					
Kummer Meat Co., Inc	617	(*)		(*)		(*)	
Gallin Meat Co	618	(*)					
Doskocil Sausage, Inc	623					(*)	
Lumberjack Meats, Inc	626					(*)	
Big Foot Packing Co., Inc	627	(*)	(*)				
E. A. Miller & Sons Packing Co	628	(*)	(*)				
H. H. Keim Co	630	(*)					
Ebner Brothers Packers	633	(*)					
United Packing Co., Inc	635	(*)					
Carteret Abattoir, Inc	639	(*)	(*)	(*)	(*)		
Flanery Meat, Inc	643	(*)					
Long Creek Meat Co	645	(*)					
Transcontinent Packing Co	E646						(*)
Bird Provision Co	647					(*)	
Spencer Foods, Inc	648	(*)					
Schluderberg-Kurdle Co., Inc	649					(*)	
John Morrell & Co	650					(*)	
Wilson Beef & Lamb Co	655			(*)			
Mc Cook Packing Corp	660	(*)					
Quality Meat Packing Co	661	(*)					
Colorado West Packers, Inc	662	(*)				(*)	
Globe Packing Co	663	(*)					
Webber Farms, Inc	665					(*)	
Crown Packing Co	666					(*)	
Scottsbluff Packing Co	667	(*)					
Union Packing Co., Inc	673	(*)					
S. & S. Packing Co., Inc	674	(*)				(*)	
Caviness Packing Co., Inc	675	(*)					
Jacob Bauer's Sons, Inc	678	(*)	(*)				
High Country Pork Products, Inc	680					(*)	
Caldwell Packing Co., Inc	683	(*)					
Callaway Packing Co., Inc	688	(*)					
Pierce Packing Co	691					(*)	
Wilhelm Foods, Inc	692	(*)					
Bryan Meat Co	693	(*)					
Kansas State University—Animal science and industry	694	(*)	(*)	(*)		(*)	
Kramer Beef Co	695	(*)	(*)				
Gulf Packing Co	696	(*)					
Triolo Brothers	706					(*)	
Central Nebraska Packing Co	E713						(*)
Davenport Packing Co., Inc	716	(*)					
Farmland Foods, Inc	717					(*)	
Do	717A					(*)	
A. Darlington Strode	718					(*)	
Decker & Son	727					(*)	
Roode Packing Co., Inc	729	(*)					
Frosty Morn Meats, Inc	731	(*)	(*)			(*)	
Pacific Meat Co	732	(*)	(*)	(*)		(*)	
Western Packers	733	(*)					
Ohio Packing Co	736	(*)	(*)			(*)	
Parnell's Packing Co	738	(*)	(*)	(*)		(*)	
The Jacob Schlachter's Sons Co	739	(*)	(*)				
Mid-State Meat Co	741	(*)	(*)				
The OK Packing Co	749	(*)	(*)				
Seitz Foods, Inc	756	(*)					
Do	756A	(*)					

Establishments slaughtering humanely—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equine
The American Meat Packing Corp.	760					(*)	
Sebaake Packing Co., Inc.	761	(*)					
Karler Packing Co.	767	(*)					
Sheridan Meat Co., Inc.	768	(*)	(*)	(*)		(*)	
Earl C. Gibbs, Inc.	770	(*)					
Hanford Meat Packing Co.	773	(*)					
Atlas Packing Co.	775	(*)					
Central Packing Co.	777	(*)					
The Cudahy Co.	779	(*)	(*)			(*)	
Bryan Packing Co.	780	(*)	(*)			(*)	
Diamond Meat Co., Inc.	783	(*)					
Granite State Packing Co.	785	(*)	(*)				
Aurora Packing Co., Inc.	788	(*)					
Hatfield Packing Co.	791					(*)	
Baum's Meat Packing Co.	792	(*)	(*)				
Rod Barnes Packing Co.	798	(*)					
Western Iowa Pork	806					(*)	
American Beef Packers, Inc.	807	(*)					
Do.	807A	(*)					
American Beef Packers of Texas	807C	(*)					
Ameo-Pac Corp.	809	(*)					
The G. Erhardt Sons, Inc.	810	(*)	(*)				
United Packing of Iowa, Inc.	812					(*)	
Rochester Independent Packer, Inc.	817	(*)					
J. H. Routh Packing Co.	818					(*)	
Sterling Colorado Beef Co.	823	(*)					
Foremost Packing Co.	824					(*)	
Superior Packing Co., Inc.	825			(*)			
Berchem's Meat Co.	830	(*)					
Lee-Johnson, Inc.	835	(*)				(*)	
Frederick County Products, Inc.	838	(*)	(*)	(*)			
Reelfoot Packing Co.	840	(*)				(*)	
G. Bartusch Packing Co.	843	(*)					
The Allen Packing Co.	845	(*)	(*)	(*)			
Arena Dressed Beef Co.	853	(*)					
Sioux City Dressed Beef	857	(*)					
Siouxland Dressed Beef Co.	857F	(*)					
Sioux Beef Co.	857O	(*)					
Jordan Meat & Livestock Co., Inc.	858	(*)	(*)	(*)	(*)	(*)	
Wells and Davies, Inc.	860	(*)				(*)	
Sierra Meat Co.	862	(*)					
Tennessee Dressed Beef Co.	865	(*)					
American Beef Packers, Inc.	866	(*)					
Hardy & Co., Inc.	869	(*)	(*)				
Santa Ana Packing Co.	874	(*)					
Pahler Packing Corp.	880	(*)					
Swanton Packing Co., Inc.	883	(*)					
Alco Packing Co., Inc.	885	(*)	(*)	(*)		(*)	
Alco Packing Co.	885A	(*)	(*)	(*)			
Sambol Packing Co.	892	(*)					
Tobin Packing Co., Inc.	893					(*)	
Vernon Calhoun Packing Co.	897	(*)	(*)				
Sigman Meat Co., Inc.	901B					(*)	
Party Packing Corp.	902	(*)					
B. Constantino & Sons Co.	918	(*)					
Alice Packing Co.	921	(*)	(*)				
Valley Packers, Inc.	922	(*)	(*)			(*)	
Wisconsin Packing Co.	924	(*)					
Peoples Packing Co.	925	(*)	(*)				
E. B. Manning & Son	934	(*)					
Iowa Beef Processors, Inc.	935	(*)					
Voltz Packing Co.	938	(*)					
Gentner Packing Co., Inc.	941	(*)					
Whitehall Packing Co.	946	(*)					
Meilman Food Industries, Inc.	946B	(*)					
M. Brizer & Co.	948	(*)					
Joe Doctorman & Son Packing	949	(*)	(*)	(*)		(*)	
Kennedy's Sausage Co.	950					(*)	
Bob Evans Farms, Michigan, Inc.	952					(*)	
Thompson Farm Co.	959					(*)	
Greater Omaha Packing Co., Inc.	960	(*)					
Potter Sausage Product, Inc.	961					(*)	
Virginia Packing Co., Inc.	963	(*)	(*)	(*)			
Lay Packing Co.	967	(*)				(*)	
Monfort Packing Co.	969	(*)		(*)			
Hawaii Meat Co., Ltd.	970	(*)					
Longhorn Meatpackers, Inc.	976	(*)					
Banner Beef Co.	985	(*)					
Shamrock Beef Co.	987	(*)					
Everett C. Horlein & Son, Inc.	988	(*)					
Klarer of Kentucky, Inc.	995					(*)	
The Home Pride Provisions, Inc.	1029	(*)					
Armour & Co.	1085	(*)	(*)				
Landy Packing Co.	1171	(*)					
Porkland division of Consolidated Foods	1175					(*)	
A. F. Moyer & Son	1311	(*)					
McCabe Packing Plant	1312	(*)	(*)				
Swift & Co.	1315	(*)				(*)	
Nebraska-Iowa Dressed Beef Co.	1318	(*)					
Associated Meat Packers, Inc.	1472	(*)		(*)		(*)	
Stevens Meat Co., Inc.	1485	(*)					
James Sausage Co.	1718					(*)	
Golden West Meat Co., Inc.	E1796						(*)
General Meat Co., Inc.	1994			(*)			
C. & C. Packing Co.	2033	(*)	(*)				
Texas Agribusiness Co.	2083	(*)					
Odom Saugage Co. of Kentucky, Inc.	2094					(*)	
Alewel's, Inc.	2101	(*)	(*)	(*)	(*)	(*)	
Jesse Jones division of Goodmark, Inc.	2103					(*)	
Ballard's Farm Sausage, Inc.	2108					(*)	
P. & H. Packing Co., Inc.	2211	(*)					
Greeley Meat Co.	2212	(*)					
Hardy Packing Co., Inc.	2215	(*)		(*)	(*)	(*)	
Yonkum Packing Co., Ltd.	2216	(*)				(*)	
Burlison Packing Co.	2224	(*)					

Establishments slaughtering humanely—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equine
Pace Packing Co	2228	(*)				(*)	
Ridley Packing Co	2229	(*)					
South Texas Packers, Inc	2230	(*)	(*)				
L. & H. Packing—Braun division	2239	(*)		(*)	(*)		
Bryan Sausage Co., Inc	2249					(*)	
Loveland Packing Co., Inc	2259					(*)	
G. & C. Packing Co	2262	(*)	(*)				
Ridley Packing Co	2265	(*)	(*)			(*)	
L. A. Frey & Sons, Inc	2266A	(*)				(*)	
Wright Packing Co	2260	(*)				(*)	
Nocona Locker Plant	2270	(*)				(*)	
Centeno Meat Commissary	2271	(*)					
Lamesa Meat Co	2272	(*)		(*)		(*)	
Amarillo Packing Co	2273	(*)		(*)	(*)	(*)	
Husband Brothers Packing Co	2284	(*)	(*)				
Ben Grantham Meat Packers	2290	(*)				(*)	
Dankworth Packing Co	2296	(*)				(*)	
Cornett Packing Co	2333	(*)	(*)			(*)	
Amana Society meat department	2357	(*)					
Theis Packing Co., Inc	2367	(*)				(*)	
Grote Meat Co	2369	(*)	(*)	(*)			
Clayton Packing Co	2373		(*)				
Smit & Son, Inc	2376	(*)				(*)	
Spencer Foods, Inc	2379	(*)					
Partin Sausage Co	2385					(*)	
Marshall Packing Co., Inc	2386	(*)					
Clinton Packing Co	2387					(*)	
United Meat Co., Inc	2396	(*)					
Pony Express Ranch	2398	(*)	(*)			(*)	
Quality Packinghouse, Inc	2435					(*)	
B. & S. Meat Co., Inc	2439	(*)	(*)	(*)		(*)	
John R. Daily, Inc	2450	(*)	(*)			(*)	
Cimpl Packing Co	2460	(*)					
Link Brothers Enterprises	2472	(*)					
Wenning Packing Co., Inc	2533	(*)					
Weyhaupt Brothers Packing Co	2594	(*)				(*)	
Bartlow Brothers, Inc	2595	(*)				(*)	
The Teeters Packing Co	2598					(*)	
Du Quoin Packing Co	2599	(*)				(*)	
J. W. Treuth & Sons, Inc	2612	(*)					
Manassas Frozen Foods	2621A	(*)	(*)	(*)	(*)	(*)	
H. P. Beale & Sons, Inc	2682					(*)	
Yoders Locker Plant	2699	(*)				(*)	
Wagner Provision Co., Inc	2770	(*)	(*)			(*)	
Stoeven Brothers	2800	(*)		(*)			
Blue Mountain Meats	2825	(*)		(*)		(*)	
Lewis & McDermott	2847	(*)					
Granite Meat & Livestock Co	2856	(*)					
Zweigart Packing Corp	2863	(*)	(*)	(*)		(*)	
Armbrust Meats	2912	(*)	(*)			(*)	
Madison Food, Inc	2923					(*)	
Maryville Packing Co	2927	(*)	(*)	(*)	(*)	(*)	
Pettis County Locker System	2929	(*)	(*)	(*)	(*)	(*)	
Runyon Frozen Food Service, Inc	2932	(*)				(*)	
Winter Meat Processing	2936	(*)	(*)			(*)	
Woods, Locker & Abattoir	2938	(*)		(*)		(*)	
Yontz Packing Co	2939	(*)					
West Slaughterhouse	2945	(*)				(*)	
Sutterer's Slaughterhouse	2946	(*)	(*)	(*)	(*)	(*)	
Pemiscot Packing Co	2948					(*)	
Davis Slaughter Plant	2950	(*)	(*)			(*)	
Crouch's Locker & Processing	2951	(*)	(*)	(*)	(*)	(*)	
Nadler Butchery	2956	(*)	(*)	(*)		(*)	
Matthew's Locker	2963					(*)	
Bolivar Locker Plant	2964	(*)	(*)	(*)	(*)	(*)	
Francis Packing Co	2965	(*)					
Swiss Processing Plant	2960	(*)	(*)	(*)	(*)	(*)	
Slagle Meat Market, Inc	2970	(*)	(*)	(*)	(*)	(*)	
Murphy Slaughterhouse	2972	(*)				(*)	
Singer Locker Service	2975	(*)	(*)	(*)		(*)	
Dolaldye & Sons Meat Packing, Inc	2977	(*)					
Rinehart's Meat Processing, Inc	2978	(*)	(*)			(*)	
Lebanon Packing Co	2979	(*)				(*)	
Mirabile Meat Processing	2982	(*)					
Davis Meat Processing	2984	(*)	(*)	(*)	(*)	(*)	
Diggs Packing Co	2985	(*)				(*)	
Highlandville Packing Co	2987	(*)	(*)			(*)	
Glen's Custom Butchering	2989	(*)	(*)	(*)	(*)	(*)	
Herrod Packing Co, Inc	2991	(*)					
Holden Locker Plant	2993	(*)		(*)		(*)	
Country Butcher Shop	2995	(*)		(*)		(*)	
Do	2995A	(*)		(*)		(*)	
Missouri State Penitentiary For Men	2998	(*)				(*)	
The Coldwater Meat Service, Inc	4202	(*)				(*)	
Hawarden of Iowa Beef Packers, Inc	4216	(*)					
Springfield Quality Beef, Inc	4220	(*)	(*)				
Fort Plain Packing Co., Inc	5074	(*)	(*)				
Double A Meat Packing, Inc	5162	(*)	(*)	(*)	(*)	(*)	
Anthony Parillo, Inc	5193	(*)	(*)	(*)	(*)	(*)	
Ralph Packing Co., Inc	5228	(*)	(*)				
Johnston Dressed Beef & Veal Co., Inc	5300	(*)	(*)	(*)	(*)		
Hayes Packing Corp	5301	(*)	(*)				
Morris Mendel & Co	5309	(*)	(*)	(*)			
A. Arena & Sons, Inc	5346	(*)	(*)	(*)	(*)		
Hershey Estates Abattoir	5388	(*)	(*)	(*)		(*)	
Winchester Packing Co., Inc	5500	(*)				(*)	
Amend Packing Co	5509	(*)					
Gibbon Packing, Inc	5511	(*)					
Central Foods, Inc	5519	(*)				(*)	
Hewlett Wholesale Meats	5524	(*)	(*)				
Macon Beef Packers, Inc	5531	(*)					
Sioux-Preme Packing Co	5537					(*)	
Jack Polen Beef Co., Inc	5548	(*)					
Bonne Terre Sausage Co	5554					(*)	
Iola Meat Processors, Inc	5555	(*)					
The Fanestil Packing Co., Inc	5562	(*)					
Haviland Brothers Frozen Food Lockers	5565	(*)	(*)	(*)		(*)	

Establishments slaughtering humanely—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equine
Tama Meat Packing Corp	5569	(*)					
Allied Packing Co	5572	(*)					
Butchers, Inc	5575	(*)	(*)	(*)	(*)	(*)	
Wimmer's Meat Products, Inc	5601	(*)	(*)	(*)	(*)	(*)	
Herman The German Slaughterhouse	5604	(*)	(*)	(*)		(*)	
Elliott Food Products, Inc	5608	(*)		(*)		(*)	
Ord Cold Storage	5610	(*)		(*)		(*)	
Johnson's Frozen Foods	5612	(*)	(*)	(*)	(*)	(*)	
The Jimmy Dean Meat Co., Inc	5614					(*)	
Adams Locker	5621	(*)		(*)		(*)	
Alexandria Packing Co	5623	(*)	(*)	(*)		(*)	
Panhandle Packing Co	5624	(*)	(*)	(*)		(*)	
Oberg's Meat Processing	5626	(*)	(*)	(*)	(*)	(*)	
Holtzen's Certified Meat Processing and Curing	5630	(*)	(*)	(*)		(*)	
Carlson's Meat & Lockers	5632	(*)	(*)	(*)	(*)	(*)	
Osakis Meat & Processing	5633	(*)	(*)	(*)		(*)	
Doty Packing Co., Inc	5634	(*)		(*)		(*)	
Grunkemeyer Meats	5635	(*)				(*)	
Braver Packing Co	5636	(*)					
Clay Center Meat Co	5637	(*)	(*)	(*)		(*)	
Otte Packing	5638	(*)	(*)	(*)		(*)	
Brammeler's Locker	5639	(*)		(*)		(*)	
F. & S. Sausage Co., Inc	5640	(*)		(*)		(*)	
Johnson Steak Master	5641	(*)				(*)	
Peterson's Lockers Inc	5647	(*)		(*)		(*)	
Tatum's Processing Plant	5649	(*)		(*)		(*)	
Custom Pack, Inc	5650	(*)	(*)				
City Meat Market	5652	(*)	(*)	(*)		(*)	
Verling Locker	5653	(*)				(*)	
Belinde's Locker Plant	5654	(*)		(*)		(*)	
Epler Mercantile Co	5655	(*)		(*)		(*)	
Kimball Locker Plant	5656	(*)	(*)	(*)		(*)	
Trautman's Meat Center	5657	(*)		(*)		(*)	
University of Nebraska—Loeffel meat laboratory	5658	(*)		(*)		(*)	
Butler's Beef Acres	5660	(*)				(*)	
Roman Packing Co	5662	(*)					
North Platte Packing Co., Inc	5663	(*)					
Six Street Processing Plant, Inc	5664	(*)					
Petersburg Locker	5668	(*)	(*)	(*)		(*)	
Cardel & Son Freezer Meats	5670	(*)		(*)		(*)	
Dittman's Market	5671	(*)	(*)	(*)		(*)	
Yost Pack, Inc	5672	(*)	(*)	(*)	(*)	(*)	
Hollstein Packing Co	5673	(*)	(*)	(*)		(*)	
Kreimer's Store	5681	(*)		(*)		(*)	
Tecumseh Locker	5682	(*)	(*)	(*)	(*)	(*)	
Valentine Lockers	5683	(*)	(*)	(*)		(*)	
Watisa Lockers	5686	(*)	(*)	(*)		(*)	
Buffalo Lake Meat Co	5689					(*)	
Nebraska Penal and Correctional Complex	5691	(*)					
Birdge & Zimmerman, Inc	5700	(*)	(*)	(*)	(*)	(*)	
Havlik's Locker Plant	5729	(*)				(*)	
Sherman Custom Slaughtering	5764	(*)				(*)	
V-B Meat Co	5769	(*)	(*)	(*)	(*)	(*)	
Perryville Packing Co., Inc	5770	(*)	(*)	(*)	(*)	(*)	
Hasty Packing Company	5772	(*)	(*)	(*)		(*)	
Pierce City Locker	5775	(*)	(*)	(*)	(*)	(*)	
Frigid Food Service	5776	(*)				(*)	
University of Missouri—F. S. & N. Department	5777	(*)		(*)		(*)	
Greenhill Slaughter House	5779	(*)	(*)	(*)		(*)	
Dutch's Packing Co	5781	(*)	(*)	(*)	(*)	(*)	
The Deep-Freeze Inc	5782	(*)		(*)	(*)	(*)	
Lumley Locker	5788	(*)		(*)		(*)	
Paris Locker & Abattoir	5795	(*)					
Dale's Packing Co	5797	(*)	(*)				
Norv's Pork Products	5798	(*)	(*)	(*)	(*)	(*)	
McGee Packing Co	5801	(*)		(*)		(*)	
Schleswig Sausage Inc	5813	(*)				(*)	
Norborne Locker Service	5820	(*)	(*)			(*)	
Mott's Food Lockers—Abattoir	5821	(*)				(*)	
Sikeston Slaughterhourse	5824	(*)	(*)				
Hughesville Slaughter Plant	5826	(*)	(*)	(*)	(*)	(*)	
Poos Brothers, Inc. Slaughterhouse	5827	(*)	(*)	(*)		(*)	
Anderman & Co	5830	(*)	(*)	(*)			
A. L. Hester Packing Co., Inc	5832	(*)				(*)	
Leet's Locker Plant	5835	(*)				(*)	
B. & E. Processing Plant	5839	(*)	(*)	(*)	(*)	(*)	
Lynch Packing Plant	5843	(*)	(*)			(*)	
Miller's Meat Processing	5846	(*)					
Anesi Packing Co	5847	(*)	(*)				
Tri-State Food Distributors, Inc	5848	(*)					
O. K. Meat Packing Co., Inc	6001	(*)	(*)				
William C. Parke & Sons Co	6003	(*)					
University of Nevada—animal science division	6004	(*)		(*)			
Hohener Meat Co., Inc	6011	(*)	(*)			(*)	
University of California—Department of animal science	6012	(*)	(*)	(*)		(*)	
Johnson Meat Co	6016	(*)	(*)	(*)	(*)	(*)	
Oakdale Meat Co	6017	(*)	(*)			(*)	
Lamb specialities, Inc	6018			(*)			
Mount Vernon Meat Co., Inc	6039	(*)	(*)				
Pasco Meat Packers, Inc	6040	(*)	(*)			(*)	
Weber, Inc	6041	(*)	(*)	(*)	(*)		
Mc Rae Pack, Inc	6042	(*)	(*)	(*)		(*)	
Florence Packing Co, Inc	E6043						(*)
Davis Meat Co	6044	(*)				(*)	

Establishments slaughtering humanely—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equine
Avila Meat Co	6046	(*)	(*)				
Saticoy Meat Packing Co	6055	(*)	(*)				
Schenk Packing Co	6056	(*)	(*)	(*)		(*)	
Tulare Meat Co	6063	(*)					
Redwood Meat Co	6066	(*)	(*)	(*)		(*)	
Grandview Packing Co	6083	(*)	(*)	(*)		(*)	
Arnopole Meat Co	6084	(*)	(*)			(*)	
Kratzig Meat Co	6110	(*)	(*)	(*)	(*)	(*)	
Mid-Cave Meat Packing Co	6114	(*)	(*)	(*)		(*)	
Mary B Meats	6156	(*)	(*)	(*)	(*)	(*)	
T. P. Packing Co., Inc	6173	(*)					
Lewis Meats	6175	(*)	(*)	(*)		(*)	
R. & R. Locker Plant	6228	(*)		(*)		(*)	
The Evans Meat Co	6243	(*)					
Columbus Slaughtering & Processing	6271	(*)		(*)		(*)	
J & H Packing Co	E6296						(*)
Goldendale Ranch Meat Co	6411	(*)	(*)	(*)		(*)	
Rice Packing Co	6413	(*)	(*)	(*)		(*)	
Galbreath Packing Co	6420	(*)	(*)	(*)		(*)	
Chambers Packing Co	E6429						(*)
Foss Brothers	6434	(*)	(*)				
Reed Packing Co	6442	(*)					
York's Meat	6482	(*)	(*)	(*)	(*)	(*)	
Mori Wholesale Meats	6485	(*)	(*)	(*)	(*)	(*)	
K-Pack Meat Co	6487	(*)	(*)	(*)	(*)	(*)	
Carson Valley Meat Co	6491	(*)	(*)			(*)	
Green Hill, Inc	6513	(*)				(*)	
George H. Meyer Sons, Inc	6521	(*)	(*)	(*)		(*)	
Guard Hill Meats, Inc	6526	(*)		(*)	(*)	(*)	
Gunnoe Sausage Co., Inc	6541					(*)	
Odom Sausage Co., Inc	6544					(*)	
C. Rice Packing Co., Inc	6545	(*)					
Suffolk Packing Co., Inc	6546	(*)	(*)	(*)			
Martin's Abattoir & Wholesale Meats	6547	(*)				(*)	
Penn Haven Meats, Inc	6559	(*)				(*)	
Edwards Sausage Co., Inc	6579					(*)	
Randolph Packing Co., Inc	6590	(*)	(*)	(*)		(*)	
Ledford's Livestock Farm Slaughter Plant	6591A	(*)	(*)	(*)		(*)	
White Packing Co	6595	(*)	(*)			(*)	
Dean Sausage Co., Inc	6621					(*)	
Bama Meats, Inc	6645					(*)	
Town & Country Meat Processing	6674	(*)	(*)			(*)	
Macela Municipal	6675	(*)	(*)			(*)	
Mayaguez Municipal Abattoir	6677	(*)	(*)	(*)	(*)	(*)	
Yauco Municipal Government	6678	(*)	(*)	(*)	(*)	(*)	
Municipal Slaughter House	6680	(*)	(*)			(*)	
Municipality of Arecibo	6682	(*)				(*)	
Carolina Municipal Slaughterhouse	6683	(*)	(*)			(*)	
Municipal Abattoir	6684	(*)	(*)		(*)	(*)	
Penuelas Municipal Abattoir	6685	(*)	(*)	(*)	(*)	(*)	
San Sebastian Abattoir	6687	(*)	(*)	(*)	(*)	(*)	
Municipio de Aguadilla	6688	(*)	(*)	(*)	(*)	(*)	
Maccio Municipal de Ponce	6689	(*)	(*)	(*)	(*)	(*)	
Maccio de Corozal	6690	(*)	(*)			(*)	
Primeat Packing Co	6758	(*)					
Star Meat Co	6760					(*)	
Walter Packing Co	6766	(*)				(*)	
Standard Beef, Inc	6770	(*)					
Calihan & Co	6775	(*)					
Helms Slaughterhouse	6777	(*)	(*)	(*)		(*)	
The Ross Abattoir Co	6780	(*)	(*)				
Bob Evans Farms, Inc	6785					(*)	
Bergman Meat Packing Co., Inc	6788	(*)	(*)			(*)	
Illini Beef Packers, Inc	6792	(*)					
Bob Evans Farms, Inc	6807					(*)	
Utica Packing Co	6832					(*)	
Columbia Packing Co., Inc	6853	(*)					
Marburger Packing Co	6863	(*)					
Nemetz Packing House	6866	(*)					
Hitch Packing Co	6887	(*)					
Miller Processing Co., Inc	6889	(*)	(*)	(*)	(*)	(*)	
Country Pride, Inc	E6893						(*)
Eckert's, Inc	6917	(*)				(*)	
Abe May Packing Co	6965	(*)					
Selected Meats	6979	(*)					
Van Alstine Packing Co	6982	(*)	(*)	(*)	(*)		
Judson Pack, Inc	6989	(*)		(*)		(*)	
Schwartzman Packing Co	7003	(*)					
Deming Packing Co., Inc	7005	(*)				(*)	
Producer Meat Cooperative Association	7007	(*)				(*)	
Jimmy Dean Meat Co	7012					(*)	
Muskogee Packing Co., Inc	7015	(*)	(*)	(*)	(*)		
West Texas Dressed Beef Co., Inc	7017	(*)					
Hatch Packing Co., Inc	7021	(*)		(*)	(*)	(*)	
Sixty-six Packing Co	7023	(*)		(*)		(*)	
H.A.S. Sweet Meat, Inc	7025					(*)	
Western Meat Packers, Inc	7028	(*)				(*)	
Crow's Meat Co	7048	(*)	(*)	(*)	(*)	(*)	
Chef Reddy Meats Co	7049	(*)		(*)	(*)	(*)	
Barthel Packing Co., Inc	7052A	(*)	(*)			(*)	
Rocking V Beef, Inc	7054	(*)				(*)	
Brown's Meat Locker	7055	(*)		(*)	(*)	(*)	
Interstate Packing Co	7056	(*)		(*)	(*)	(*)	
Europak Overseas, Inc	E7060						(*)
Brown Packing Co	7064	(*)				(*)	
P & S Packing Co	7074	(*)	(*)			(*)	
Community Abattoir, Inc	7075	(*)	(*)	(*)	(*)	(*)	
Culbertson Processing Plant	7082	(*)		(*)	(*)	(*)	
Sughson Meat Co., Inc	7086	(*)	(*)			(*)	
Houston Frosted Foods, Inc	7090	(*)		(*)		(*)	
Southern Meat of Texas	7094	(*)	(*)				
E-Tex Packing Co	7122	(*)	(*)				
Feliciana Meat Supply	7128	(*)	(*)	(*)	(*)	(*)	
Wickham Packing Co., Inc	7139	(*)				(*)	

Establishments slaughtering humanely—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equine
B & B Packing Co	7146	(*)	(*)	(*)	(*)	(*)	
Osburn Packing Co	7150	(*)	(*)				
Greer's, Inc	7159					(*)	
Bauer & Son Packing Co	7178	(*)					
Single Tree Farms, Inc	7203	(*)				(*)	
Texas Meat Packers	7235	(*)					
American Packing Co., Inc	7248	(*)		(*)	(*)	(*)	
Kentucky Sausage Co., Inc	7200					(*)	
Duffy Boneless Beef Co	7305	(*)	(*)				
Metzger Packing Co., Inc	7306	(*)	(*)			(*)	
Enterprise Meat Co., Inc	7319	(*)	(*)				
Gold Kist, Inc	7342					(*)	
Saint Thomas Abattoir	7385	(*)	(*)	(*)	(*)	(*)	
Cabo Rojo Municipal Slaughterhouse	7387	(*)	(*)	(*)	(*)	(*)	
Municipal Government of Quebradillas	7388	(*)	(*)			(*)	
Municipality of Aibonito	7390					(*)	
Henry W. Staph	7402		(*)	(*)			
Carolina Abattoir, Inc	7404	(*)				(*)	
Harrisonburg Wholesale Meat Co., Inc	7420	(*)		(*)		(*)	
Dinner Bell Meat Products, Inc	7440	(*)	(*)	(*)		(*)	
Blue Ridge Beef Plant, Inc	7445	(*)					
Williams Sausage Co	7455					(*)	
F. B. Purnell Sausage Co., Inc	7464	(*)				(*)	
Diamond Meat Co., Inc	7465					(*)	
Field Packing Co., Inc	7467	(*)					
Brundige Sausage Co	7475					(*)	
Fulton County Packing Co	7485	(*)				(*)	
Danville Meat Products	7486	(*)				(*)	
Siddens Country Hams	7495	(*)	(*)	(*)		(*)	
T. M. Landis, Inc	7517	(*)	(*)	(*)			
Dealaman Enterprises, Inc	7562	(*)	(*)	(*)	(*)	(*)	
Gartner-Harf Co	7576	(*)	(*)	(*)			
Merwin Packing, Inc	7600	(*)		(*)		(*)	
Abercrombie Meat	7601	(*)	(*)	(*)		(*)	
Millner & Swanick	7602	(*)	(*)				
Missouri Valley Meat	7604	(*)	(*)	(*)			
Schmaltz Meats	7605	(*)		(*)		(*)	
Cedar Ridge Meat Service	7607	(*)		(*)		(*)	
Hope Locker Plant	7609	(*)	(*)	(*)		(*)	
Casselton Cold Storage	7611	(*)	(*)	(*)	(*)	(*)	
Great Bend Lockers	7612	(*)		(*)		(*)	
Fairmont Lockers	7615	(*)	(*)	(*)	(*)	(*)	
Skyberg's	7616	(*)		(*)		(*)	
Monteith Meats	7617	(*)		(*)		(*)	
Park River Locker Plant	7618	(*)		(*)		(*)	
Niagara Lockers	7619	(*)		(*)		(*)	
Bowdon Locker Plant	7620	(*)		(*)		(*)	
Langdon Lockers	7622	(*)		(*)		(*)	
Aafedt's Locker Plant	7623	(*)		(*)		(*)	
Rocklake Locker Plant	7624	(*)		(*)		(*)	
Aneta Meats	7625	(*)		(*)		(*)	
North Dakota State University—animal science	7627	(*)					
Stanley Locker Service	7632	(*)		(*)		(*)	
Lunde Processing	7634	(*)				(*)	
Dakota Meats, Inc	7636	(*)	(*)	(*)			
North Dakota State Hospital	7639	(*)					
Myers Meat Processing	7641	(*)				(*)	
Hillside Meat Co	7642	(*)		(*)		(*)	
City Meat & Locker	7644	(*)		(*)		(*)	
Wetsch Jack & Jill	7646	(*)				(*)	
Bosch Meat Co	7647	(*)				(*)	
Fred Born	7648	(*)				(*)	
Schafers Butcher Shop	7649	(*)					
K. & E. Processing and Sales	7655	(*)		(*)		(*)	
John Bonn	7656	(*)				(*)	
Elnford Lockers	7661	(*)		(*)		(*)	
City Meat Co	7677	(*)		(*)		(*)	
Rahr Meat Service	7678	(*)		(*)			
Miles City Packing Co	7679	(*)		(*)			
Hardin Meat Market	7684	(*)					
Seitz-Bowers Processing Plant	7685	(*)		(*)		(*)	
Timberland Packing Corp	7687	(*)					
Krezelak, Inc. (Havre Abattoir)	7688	(*)		(*)		(*)	
Rocky Mountain Packing Co., Inc	7690	(*)	(*)	(*)		(*)	
Triangle Packing Co	7691	(*)		(*)			
Maria's Packing Co	7692	(*)		(*)		(*)	
Stanford Meat Market	7694	(*)					
Barsotti's Meat Plant	7695	(*)		(*)		(*)	
Montana State Prison	7707	(*)				(*)	
Roberts Packing Plant	7708	(*)	(*)			(*)	
Rick's Packing Co	7710	(*)		(*)		(*)	
Fan Mountain Meats	7712	(*)		(*)		(*)	
Vollmer & Sons, Inc	7713	(*)	(*)	(*)	(*)	(*)	
Kalispell Meat Co	7716	(*)		(*)			
White's Wholesale Meats	7717	(*)	(*)			(*)	
Vandervanter Meats	7718	(*)	(*)				
Schramm Packing Co	7719	(*)	(*)	(*)		(*)	
Tolman Meat Processing	7724	(*)		(*)	(*)	(*)	
Mickey's Packing Plant	7732	(*)	(*)	(*)		(*)	
The Modern Locker Co	7745	(*)	(*)	(*)	(*)	(*)	
John Morrell & Co	7750					(*)	
Blaine Meat Co., Inc	E7755						(*)
Meat Science Laboratory	7759	(*)	(*)	(*)		(*)	
Bob Evans Farm, Inc	7763					(*)	
Equine Products, Inc	E7766						(*)

Establishments slaughtering humanely—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equine
Adams Locker	7774	(*)	(*)	(*)		(*)	
Dale's Meat Processing Plant	7781	(*)		(*)		(*)	
Lindenfelser Meats	7782	(*)				(*)	
Sister's of the Order of Saint Benedict	7784	(*)				(*)	
Huettl's Locker & Dressing Plant	7785	(*)	(*)	(*)		(*)	
Wilson's Meat Market	7790	(*)	(*)			(*)	
Carlos Lockers	7796	(*)	(*)	(*)		(*)	
Ungers Garfield Locker	7797	(*)	(*)	(*)		(*)	
Clarissa Meats	7799	(*)	(*)	(*)		(*)	
Bruno's Packing Co	7804	(*)	(*)	(*)	(*)	(*)	
Bangor Beef Co	7806	(*)	(*)	(*)		(*)	
Conti Packing Co., Inc	7814	(*)					
Kenneth Baker Farms	7845	(*)	(*)	(*)	(*)	(*)	
Readfield Abattoir	7874	(*)	(*)	(*)		(*)	
Bovalina Packing Co	7875	(*)	(*)	(*)			
Peter D. Villari, Inc	7887	(*)	(*)	(*)		(*)	
Partin's Country Sausage	7923					(*)	
Meherrin Packing Co	7931					(*)	
Elm Hill Meats, Inc	7936	(*)				(*)	
Koch Beef Co	7937	(*)	(*)				
Southern Packing Corp	7945	(*)	(*)	(*)		(*)	
Charles J. Schmidt & Co	7948	(*)					
Dremer Packing Co., Inc	7957					(*)	
Louisville Beef Corp	7969	(*)					
Farmer's Meat Produce, Inc	7972	(*)				(*)	
Metzger Brothers	8000	(*)					
Davidson Meat Market	8024	(*)	(*)	(*)	(*)	(*)	
Turpen's Sausage, Inc	8025	(*)				(*)	
Bourbon Packing Co	8027	(*)	(*)	(*)	(*)	(*)	
Walton Locker & Slaughter Plant	8031	(*)				(*)	
Bill Wheeler Slaughterhouse	8034					(*)	
Farmers Slaughterhouse	8035	(*)				(*)	
Henry Ross Packing Co	8045	(*)				(*)	
Hughes Market	8055					(*)	
Loretto Meat Processors	8064	(*)	(*)	(*)		(*)	
Bowerman Country Sausage	8072	(*)				(*)	
Boone's Abattoir, Inc	8078	(*)	(*)				
Gregory Slaughterhouse, Inc	8083	(*)				(*)	
Douglas Slaughterhouse	8087	(*)				(*)	
Elmore & Payne Packing Co., Inc	8088	(*)	(*)	(*)	(*)	(*)	
Brownsdale Meat Service, Inc	8189	(*)	(*)	(*)		(*)	
Sol's Packing	8195	(*)	(*)	(*)	(*)	(*)	
Robinson Sausage Co	8405	(*)				(*)	
Mexiel Meat Packing Co	8496	(*)	(*)	(*)		(*)	
Copaco	8502	(*)	(*)	(*)	(*)	(*)	
Burton Block	E8523						(*)
Blough Packing	8551	(*)	(*)	(*)		(*)	
Domenica Foods, Inc	8552	(*)	(*)	(*)		(*)	
Leali Brothers Meats	8555	(*)	(*)			(*)	
New Holland Meat Market	8556	(*)				(*)	
Skober's & Sons, Inc	8557	(*)	(*)				
Frank Yakubik	8558	(*)	(*)	(*)		(*)	
S. W. Wright & Sons Packing Co	8559	(*)	(*)	(*)	(*)	(*)	
Juniata Packing Co	8560	(*)	(*)	(*)		(*)	
Godfrey Brothers	8562	(*)	(*)	(*)		(*)	
W. L. Strayer Locker Plant	8565	(*)				(*)	
Welter's Custom Slaughtering	8569	(*)				(*)	
W. W. Snavely	8570	(*)	(*)	(*)		(*)	
Knupp Brothers	8572	(*)	(*)	(*)		(*)	
James Eberly	8573	(*)	(*)	(*)		(*)	
Charles Ilyes	8576	(*)				(*)	
Peters Brothers Meat Market, Inc	8581	(*)	(*)			(*)	
Russie Shade Packing	8583	(*)	(*)	(*)		(*)	
Fritz's Meats	8585	(*)				(*)	
Bilski's Slaughterhouse	8586	(*)	(*)	(*)	(*)	(*)	
Maury Packing Co	8587	(*)	(*)	(*)		(*)	
Lloyd & Earl Youndt	8588	(*)				(*)	
Cunningham Packing Co	8590	(*)	(*)	(*)		(*)	
Carl Good, Inc	8591	(*)				(*)	
John F. Peluso & Sons	8592	(*)	(*)	(*)		(*)	
Rose's Slaughterhouse	8595	(*)	(*)	(*)		(*)	
Sechrist Brothers, Inc	8596	(*)	(*)	(*)			
Riley's Meat Processing	8604	(*)		(*)		(*)	
Richard L. Beck & Sons, Inc	8607	(*)	(*)	(*)			
Charles Winick	8608	(*)	(*)	(*)		(*)	
New Wilmington Slaughterhouse	8609	(*)	(*)	(*)		(*)	
James R. McDeavitt	8610	(*)	(*)	(*)		(*)	
Witman's Meats	8611	(*)	(*)	(*)		(*)	
Kovacevic Brothers Packing Co	8612	(*)	(*)	(*)	(*)	(*)	
Karl K. Kling	8613	(*)	(*)				
Hi Way Meat Market	8615	(*)	(*)				
Robie Meat Packers, Inc	8616	(*)	(*)	(*)	(*)	(*)	
William Clark Packing Co	8617	(*)	(*)	(*)		(*)	
Dysinger Meats, Inc	8622	(*)	(*)	(*)		(*)	
Paul E. Adams	8623	(*)				(*)	
C. M. Read's Sons	8624		(*)				
Hoffer Brothers Meat Packing Co	8627	(*)	(*)	(*)	(*)	(*)	
A. J. Peachey & Sons	8628	(*)	(*)			(*)	
Ray T. Benner & Sons	8630	(*)	(*)				
Henry Harper Wagner	8631	(*)					
Honsaker Brothers Meat Market	8632	(*)	(*)			(*)	
Ted's Meat Market	8633	(*)	(*)	(*)		(*)	
Espenshade Quality Meats	8635	(*)					
Hirch's Meats	8636	(*)	(*)	(*)		(*)	
Economy Locker Storage Co., Inc	8642	(*)	(*)	(*)		(*)	
Cecil F. Fraker	8643	(*)				(*)	
Rebuck Farms	8644		(*)				
Rothermel Meats	8645	(*)	(*)			(*)	
Harvey A. Kipp	8646	(*)				(*)	
McGuire Butcher Shop	8648	(*)	(*)	(*)		(*)	
Giunta	8649	(*)	(*)	(*)		(*)	
Dan's Country Meats, Inc	8681	(*)	(*)	(*)		(*)	
Cloud Packing Co	8682	(*)	(*)			(*)	
Le Duc Packing Co	8687	(*)	(*)	(*)		(*)	
Canton Locker Slaughter House	8689A	(*)		(*)		(*)	

Establishments slaughtering humanely—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equine
Troy Meat Processing	8693	(*)					
Polo Locker System, Inc	8695	(*)				(*)	
New Franklin Locker Service	8696	(*)				(*)	
Uhrig's Slaughter House	8697	(*)	(*)				
Wright City Meat Co	8699	(*)				(*)	
Weber Meat Service	8702	(*)	(*)	(*)	(*)	(*)	
Warner Locker	8703	(*)				(*)	
Princeton Food Service	8705	(*)	(*)	(*)	(*)	(*)	
Oyler's Locker Service	8706	(*)					
Novinger Food Locker	8707	(*)	(*)			(*)	
Hale Locker Plant	8710	(*)	(*)			(*)	
Elmer's Place	8714	(*)	(*)	(*)	(*)	(*)	
Buy Rite Meat Co	8715	(*)					
Bouckaert Packing	8716	(*)					
Brown's Processing Plant	8717	(*)	(*)	(*)	(*)	(*)	
Zero Locker Service, Inc	8718	(*)					
Groves Packing Co	8724	(*)				(*)	
Golden City Meat Co	8725	(*)	(*)			(*)	
Lewistown Locker Service	8730	(*)		(*)		(*)	
Uptown Slaughter House	8731	(*)					
Uptown Locker Plant	8732	(*)	(*)				
Pleasant Hill Meat Co	8734	(*)	(*)				
Poulos Frozen Food Corp	8735	(*)	(*)	(*)	(*)	(*)	
Adrian Meats, Inc	8737	(*)				(*)	
Stonyhill Meat	8738	(*)	(*)	(*)		(*)	
Baker Packing Co	8743	(*)		(*)		(*)	
Glasgow Locker	8747	(*)		(*)		(*)	
Hamilton Locker	8748	(*)				(*)	
Theriault's Abattoir, Inc	8772	(*)	(*)	(*)		(*)	
Clark Packing Co	8799						
Irell Pork Co., Inc	8850	(*)	(*)	(*)		(*)	
Amfran Packing Co., Inc	E8861						(*)
Oxford Abattoir	8866	(*)	(*)		(*)	(*)	
John F. Martin & Sons, Inc	8888	(*)	(*)	(*)		(*)	
Greggwood Farm	8901					(*)	
Erdman Supermarkets, Inc	8905	(*)	(*)	(*)		(*)	
McDonald's Food Market	8915	(*)				(*)	
St. Joseph Meat Market, Inc	8916	(*)				(*)	
Froz-N-Foods Co	8917	(*)	(*)	(*)		(*)	
Gordhamer Food Market	8920	(*)				(*)	
Ruck's Meat Processing Center, Inc	8921	(*)	(*)			(*)	
Schuller's Processing Service	8922	(*)		(*)		(*)	
Melrose Locker	8927	(*)				(*)	
Rapids Locker	8928	(*)		(*)		(*)	
Froz-N-Food Co	8930	(*)				(*)	
Plantenberg Market, Inc	8931	(*)	(*)			(*)	
Ketter's Meats	8937	(*)	(*)	(*)		(*)	
Carlson Frozen Meat Sales	8948	(*)	(*)	(*)			
Henning Locker Plant	8949	(*)	(*)	(*)		(*)	
Dave and Ted's Lockers	8950	(*)	(*)	(*)		(*)	
Fergus Locker Plant	8952	(*)	(*)			(*)	
Lakeland Meats, Inc	8953	(*)				(*)	
Spikes Lockers	8954	(*)	(*)	(*)	(*)	(*)	
Herges Meat Market, Inc	8959	(*)	(*)	(*)	(*)	(*)	
City Meat Market	8960	(*)	(*)			(*)	
New Munich Locker Plant	8961	(*)	(*)			(*)	
Peters, Inc	8962	(*)					
Do	8963					(*)	
Forster Packing Co., Inc	8966	(*)	(*)	(*)		(*)	
Parrot Packing Co., Inc	8968	(*)				(*)	
Drewes Frozen Food Center	8971	(*)	(*)	(*)		(*)	
Fosston Co-op Association Locker Department	8974	(*)				(*)	
City Meat Market	8975	(*)	(*)	(*)		(*)	
Lynch's Foods	8976	(*)		(*)		(*)	
Geneva Meats & Processing Service	8979	(*)	(*)	(*)			
Greenwald Locker Plant	8982	(*)					
Delft Blue Farms, Inc	8984		(*)				
Joppru, Inc	8988	(*)		(*)		(*)	
Slayton Z-R-O Pac	8989	(*)		(*)		(*)	
Sebeka Locker	8992	(*)		(*)		(*)	
Wampler Wholesale Meats, Inc	9065	(*)				(*)	
Sparks Slaughter & Processing Plant	9068	(*)				(*)	
Smith's Meat Processing	9073	(*)		(*)		(*)	
Snow Hill Processing Plant	9075	(*)	(*)			(*)	
Gold Kist, Inc	9084	(*)				(*)	
Reidsville Meat Processing Co	9085	(*)	(*)			(*)	
Cookeville Meat Packing Co	9091	(*)	(*)			(*)	
Newberry Packing Co	9105					(*)	
Justice Packing Co	9136	(*)	(*)				
Santiam Meat Packers	9220	(*)	(*)	(*)	(*)	(*)	
Oregon State University—Meat Science Laboratory	9223	(*)		(*)		(*)	
Carlton Packing Co	9228	(*)	(*)	(*)		(*)	
Stutzman Slaughterhouse	9229	(*)		(*)		(*)	
Millers Wholesale Meats	9230	(*)		(*)		(*)	
Habermans Meat Service	9232	(*)	(*)	(*)	(*)	(*)	
Marr & Stafford Meat Co	9233	(*)	(*)	(*)		(*)	
Jacobmuhlens Meats	9234	(*)	(*)	(*)	(*)	(*)	
Alpine Food Service	9238	(*)	(*)	(*)		(*)	

Establishments slaughtering humanely—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equine
A. & B. Meat Packing	9239	○	---	○	---	○	---
Merrill Meat Co	9240	○	○	○	---	○	---
Ponderosa Packing & Purveyors	9242	○	○	○	○	○	---
Farmer Packing Co	9243	○	○	○	○	○	---
Boyer Meat Co	9246	○	○	○	○	○	---
Erdman Packing Co	9249	○	○	○	○	○	---
Cedar Point Packing Co	9250	○	○	○	○	○	---
Greene Meat Co	9251	○	○	○	○	○	---
Mohawk Packing Co	9252	○	○	○	○	○	---
Springfield Slaughter Plant	9256	○	○	○	○	○	---
Hickman's Meats	9257	○	○	---	---	○	---
Gates Slaughter House	9258	○	○	---	---	○	---
Bob's Molalla Meats	9263	○	○	○	○	○	---
Myer's Packing Co	9264	○	○	○	○	○	---
Mark's Meat Co	9265	○	○	---	---	○	---
Mount Angel Meat Co	9270	○	○	○	○	○	---
Robert C. Cannon Meat Co	9271	○	---	○	---	○	---
Oregon State Penitentiary—Annex Farm	9272	○	---	---	---	○	---
Graham Meat Co	9273	○	---	○	---	○	---
Mc Killip Brothers Meat	9274	○	---	---	---	○	---
Boston's Beef House	9275	○	---	○	---	---	---
Hopkin's Wholesale Meats	9277	○	---	---	---	○	---
Valley Sausage Co	9281A	○	○	○	---	○	---
John Day Valley Packing Co	9286	○	○	○	○	○	---
Van Wert's Lockers & Slaughterhouse	9289	○	○	○	○	○	---
Crooked River Meat Co	9291	○	○	○	○	○	---
Western Meats	9296	○	○	○	---	---	---
Walt's Custom Slaughtering	9300	○	○	○	○	○	---
Cascade Packing, Inc	9302	○	---	○	---	○	---
Terry Brothers, Inc	9315	○	○	---	---	○	---
Verns Moses	9318	○	○	---	---	○	---
Curcio Meat	9319	○	○	---	---	---	---
Washington State University—Meat Science Laboratory	9322	○	○	○	---	○	---
Colfax Meats Co	9324	○	○	○	---	○	---
Lampaert Meats	9325	○	○	○	○	○	---
Jonientz Packing Co	9326	○	○	○	○	○	---
Owen Packing Co	9331	○	○	---	---	○	---
Colville Meat Processor's	9334	○	○	○	---	○	---
McInray Meat Co	9335	○	---	---	---	---	---
Wenatcage Packing Co	9338	○	○	---	---	○	---
Valley Packing Co	9342	○	○	○	○	○	---
Federal Meat Co	9343	○	○	---	---	○	---
Ranch Meats	9344	○	○	○	○	○	---
Midway Meats	9347	○	○	○	---	○	---
Dwight Gordon	9351	○	---	---	---	○	---
Fair View Farm	9353	○	---	---	---	○	---
Rudolph Mamula	3957	○	○	○	---	○	---
Harvey E. Delp	9359	○	○	---	---	○	---
Balthaser's Meat Market	9360	○	○	○	---	○	---
Mervin F. Moyer	9363	○	---	○	---	---	---
Grettler Meat Packers	9366	○	○	○	○	○	---
Allen's Mille Market	9367	○	○	○	---	○	---
Mike Zrile	9368	○	○	---	---	---	---
Alex Froehlich Packing Co	9369	○	○	○	---	○	---
J. T. Barton	9371	○	○	---	---	○	---
Mutzabaugh Slaughterhouse	9372	○	○	○	---	○	---
H. L. Peachey, Jr	9373	○	○	○	---	---	---
Troy Meat Packing Co	9374	○	○	○	---	○	---
Paul L. Stockdale	9375	○	○	---	---	○	---
William's Wholesale Meats, Inc	9376	---	---	---	---	---	---
Henninger's Meat Market	9377	○	○	○	---	○	---
Bierly Meat Market	9380	○	○	○	---	○	---
Melvin N. Reichert	9381	○	---	---	---	---	---
Mike's Packing Co	9382	○	○	○	---	○	---
Warrington Meat Packing Co., Inc	9384	---	---	---	---	○	---
Green Valley Packing Co	9385	○	○	○	---	○	---
Le Duc Packing Co	9387	○	○	○	---	○	---
Adam Butz, Jr	9389	○	---	---	---	○	---
Shaw Brothers, Inc	9390	○	○	○	---	○	---
Stanley F. Skedel	9395	○	---	---	---	○	---
Dixon's Meats	9398	---	○	○	---	○	---
Bristol Beef Co., Inc	9399	○	○	○	○	○	---
J. V. Taylor, Inc	9400	○	---	---	---	---	---
Battles Meat Processing Plant	9401	○	○	○	○	○	---
Joe Dellice & Sons	9402	○	○	○	---	○	---
Gillo Brothers	9403	○	○	○	---	○	---
T. P. Cunningham	9410	○	○	○	○	○	---
Shupes Home Dressed Meats	9413	○	---	---	---	○	---
Gina Guiliana	9414	○	○	○	○	○	---
Edward Galvanek	9415	○	○	○	○	○	---
Edgar M. Landis	9417	○	○	○	---	○	---
Lovewell's Country Market	9419	○	○	○	---	○	---
Rice's Meat Market	9420	○	○	○	○	○	---
Charles Kvergas	9422	○	○	○	---	○	---
McCoy & Steely Meats	9423	○	○	---	---	○	---
Ben's Meat Market	9425	○	○	○	---	○	---
Zechman Butcher Shop	9430	○	---	---	---	○	---
Edwards Brothers Packing Co	9431	○	---	---	---	---	---
Yambrovich Meats	9435	○	○	---	---	○	---
Rupert's Butcher Shop	9437	○	○	○	○	○	---
Three Sons Meat Market	9438	○	---	---	---	○	---
Burkholder Meat Market	9440	○	---	---	---	---	---
Groff's Meats	9442	○	---	○	---	○	---
Kreisl Co., Inc	9444	○	---	---	---	---	---
Smith's Super Market, Inc	9445	○	○	○	---	○	---
Lakeview Packing Co., Inc	9446	○	○	○	---	○	---
Grill's Butcher Shop	9448	○	---	---	---	---	---

Establishments slaughtering humanely—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equine
P. G. Morrison	9449	(*)				(*)	
George N. Byerly	9450	(*)				(*)	
Shamokin Packing Co	9451	(*)	(*)	(*)		(*)	
Rendulic Packing Co	9457			(*)	(*)	(*)	
Arthur B. Wenger	9459	(*)				(*)	
R. E. Hershey, Inc	9464	(*)		(*)			
Herfurth Brothers Meat Co	9465	(*)				(*)	
Myers Brothers	9469	(*)	(*)			(*)	
Ranck's Meat Market	9473	(*)					
U. S. Penitentiary	9474	(*)				(*)	
E. B. Hostoffer & Sons	9480	(*)	(*)	(*)		(*)	
Espey's Meat Market	9482	(*)	(*)	(*)		(*)	
R. V. Wantz & Sons	9483					(*)	
Walter Z. Dillon	9484	(*)	(*)	(*)		(*)	
Meadow Valley Abattoir, Inc	9486	(*)	(*)	(*)		(*)	
Walter J. Miller	9487	(*)				(*)	
Werry Provision	9489	(*)	(*)	(*)	(*)	(*)	
Mark R. Bucher	9492	(*)	(*)	(*)		(*)	
Christman & Fox	9494	(*)				(*)	
Nace's Quality Meats	9496	(*)				(*)	
Thornton Meats	9497	(*)	(*)	(*)	(*)	(*)	
Indiana Slaughtering Co	9498	(*)	(*)	(*)		(*)	
Sprecher Brothers Meats	9499	(*)	(*)				
Windsor Meat Market	9500	(*)	(*)	(*)		(*)	
John Henry Brubaker	9509	(*)				(*)	
Fred E. Shively	9511	(*)	(*)	(*)		(*)	
R. P. Howry	9513	(*)	(*)	(*)		(*)	
Leidy's, Inc	9520					(*)	
West Apollo Packing Home	9526	(*)	(*)	(*)	(*)	(*)	
Weiss Packing Co., Inc	9528	(*)	(*)	(*)		(*)	
East Carson Packing	9529	(*)	(*)	(*)			
Bright Byerly	9536	(*)				(*)	
Ken Weaver Meats	9538	(*)	(*)				
Clyde R. Albertson	9540	(*)				(*)	
Anderson Quality Meat Market	9541	(*)	(*)	(*)		(*)	
Emerson Knight	9544	(*)					
Ezra W. Martin Co	9547					(*)	
Wayne & Charles Nell Slaughterhouse	9548	(*)	(*)	(*)	(*)	(*)	
John J. Kohler	9549	(*)				(*)	
Beach Meat Market	9550	(*)	(*)			(*)	
Great Valley Meat Market	9557	(*)	(*)	(*)			
Sterner, Inc	9558	(*)					
Herman S. Kistler	9561	(*)					
Gerald Anderson	9562	(*)				(*)	
Charles T. Heard & Co	9563	(*)					
Putnak Packing Co	9564	(*)	(*)			(*)	
Myers Meat	9565	(*)		(*)		(*)	
Perry Packing	9566	(*)	(*)	(*)	(*)	(*)	
Pierce Custom Slaughter	9567	(*)	(*)	(*)		(*)	
Cloverbloom Market	9570	(*)				(*)	
Dietz & Watson, Inc	9574					(*)	
Steve Fichera Wholesale Meats	9576	(*)	(*)	(*)	(*)	(*)	
Wesley R. Gouldey	9577	(*)	(*)	(*)		(*)	
Falk Brothers	9578	(*)	(*)				
O. J. Hynes	9579	(*)	(*)	(*)		(*)	
Gaurley Packing Co., Inc	9580	(*)	(*)	(*)		(*)	
Livingston Packing Co	9581	(*)	(*)	(*)		(*)	
Jones Abattoir	9584	(*)	(*)	(*)	(*)	(*)	
Louis Kline, Inc	9589	(*)	(*)	(*)		(*)	
R. George	9590	(*)				(*)	
Prim Packing Co	9592	(*)	(*)	(*)		(*)	
Congens Aquiante	9603	(*)	(*)	(*)			
Harold A. Domb	9605	(*)				(*)	
Downingtown Wholesale Meats	9606	(*)	(*)			(*)	
Frank Esposito & Sons	9607	(*)					
Goodmart Meats	9609	(*)	(*)			(*)	
Samuel W. Hippey	9612	(*)					
Lukon Meats	9616	(*)	(*)			(*)	
Moccio Packing	9618	(*)					
George's Meat Market	9620	(*)				(*)	
Charles J. Pudliner	9622	(*)	(*)			(*)	
Rhodes' Meat Market	9623	(*)	(*)			(*)	
Stolzfus Locker & IGA Food Market	9625	(*)					
Ebling's Meat Market	9630	(*)		(*)		(*)	
Pifferetti Packing Co	9631	(*)	(*)			(*)	
Burkholder Meat Products	9632	(*)		(*)	(*)	(*)	
Jonathan L. King	9633	(*)					
Turner Farms, Inc	9634	(*)				(*)	
R. D. Kelly Meat Packing	9635	(*)	(*)			(*)	
M. Lepidi & Sons, Inc	9636	(*)	(*)	(*)		(*)	
Kroll's Meat Market	9638	(*)		(*)		(*)	
F. & S. Meats	9639	(*)		(*)		(*)	
Glen J. Rosenberry	9640	(*)	(*)	(*)		(*)	
Alba's Meat Market	9643	(*)	(*)				
Mrs. Edith Ondilla	9644	(*)				(*)	
Shaffer's Abattoir, Inc	9645	(*)	(*)	(*)			
Yost Quality Meats	9646	(*)	(*)	(*)	(*)	(*)	
Watson's Home Dressed Meats	9647	(*)	(*)	(*)		(*)	
West Waynesburg Packing Co	9648	(*)	(*)	(*)	(*)	(*)	
T. W. Barnes	9650	(*)	(*)	(*)	(*)	(*)	
Clair H. Brauaw	9658	(*)				(*)	
Joseph Venezia Dressed Beef	9666	(*)	(*)				
Balderston Brothers	9670	(*)	(*)				
Catelli, Inc	9671		(*)	(*)	(*)		
Prinez's Home Dressed Meats	9673	(*)				(*)	
Neal Fierro Market	9674	(*)					
Crissman, Inc	9679	(*)	(*)	(*)	(*)	(*)	
Cohick Brothers Meat Packers, Inc	9682	(*)					
Painter's Meat Products	9683	(*)	(*)	(*)		(*)	
Keck's Meat Plant	9684	(*)	(*)	(*)		(*)	

Establishments slaughtering humanely—Continued

Name of establishment	Establishment No	Cattle	Calves	Sheep	Goats	Swine	Equine
J. I. Fetterolf	9685	(*)	----------	----------	----------	(*)	----------
Mark Bowman	9686	(*)	----------	----------	----------	(*)	----------
Lee Bixler	9687	(*)	----------	(*)	----------	(*)	----------
Kenneth L. Boyer	9688	(*)	(*)	----------	----------	(*)	----------
Kolb's Meat Market	9689	(*)	(*)	(*)	(*)	----------	----------
Pleasant Unity Packing Co., Inc	9692	(*)	(*)	----------	----------	(*)	----------
Carl Venezia	9693	(*)	(*)	----------	----------	----------	----------
Paul H. Schneck	9695	(*)	----------	----------	----------	(*)	----------
Robert L. Bingman	9696	(*)	(*)	(*)	----------	(*)	----------
Smith Meats	9697	(*)	(*)	(*)	----------	----------	----------
Holland Brothers Meat	9701	(*)	(*)	(*)	----------	(*)	----------
Alfred's Sausage Co., Inc	9702	(*)	(*)	(*)	(*)	(*)	----------
Springfield Meat Co	9704	(*)	(*)	(*)	----------	----------	----------
Wilmer Baringer	9706	(*)	(*)	(*)	----------	(*)	----------
Hagers Meat Market	9707	(*)	(*)	(*)	----------	----------	----------
Herbert Hanson Meats	9711	(*)	----------	(*)	(*)	(*)	----------
Coffaro's Custom Butchering	9712	(*)	(*)	(*)	(*)	(*)	----------
Columbus Packing Co	9713	(*)	(*)	(*)	(*)	(*)	----------
Thoma Meat Market	9714	(*)	(*)	(*)	----------	(*)	----------
Dave Fine Meat Packer	9715	(*)	(*)	(*)	(*)	(*)	----------
Loutsion Packing Co	9716	(*)	(*)	(*)	(*)	(*)	----------
Lee Gashel & Sons, Inc	9717	(*)	(*)	(*)	----------	(*)	----------
American Foods, Inc	9718	(*)	(*)	(*)	----------	(*)	----------
Steale 84 Packing Co	9719	(*)	(*)	(*)	----------	(*)	----------
Smith Frozen Food Bank	9720	(*)	(*)	(*)	(*)	(*)	----------
Heinnickel Farms, Inc	9725	(*)	(*)	(*)	----------	(*)	----------
Walter's Meat Packers	9726	(*)	(*)	(*)	----------	(*)	----------
Manieri, Inc	9746	(*)	(*)	(*)	(*)	(*)	----------
Hillcrest Packing	9747	(*)	(*)	(*)	----------	(*)	----------
Frank Madrigale	9753	(*)	(*)	(*)	(*)	(*)	----------
Lemheney Butcher Shop, Inc	9755	(*)	(*)	(*)	----------	(*)	----------
George R. Rev	9758	(*)	----------	----------	----------	----------	----------
Rehrigs	9759	(*)	----------	----------	----------	(*)	----------
Frank O. Gilbert & Son	9762	(*)	----------	----------	----------	----------	----------
Joel & David Heintzelman	9763	(*)	----------	----------	----------	----------	----------
Delbert E. Haydt	9765	(*)	----------	----------	----------	(*)	----------
William Multisch	9766	----------	----------	----------	----------	(*)	----------
John Elnitski	9767	(*)	----------	----------	----------	(*)	----------
Walter Jurczak	9770	(*)	----------	(*)	(*)	(*)	----------
Albert Caruth	9776	(*)	----------	----------	----------	----------	----------
Howard W. Darling	9777	(*)	----------	(*)	----------	(*)	----------
Joseph Kundla	9780	(*)	----------	----------	----------	----------	----------
Frederick R. Schweighofer	9781	(*)	----------	----------	----------	----------	----------
Leons Meats	9784	(*)	(*)	(*)	----------	(*)	----------
J. & B. Meat Plant	9785	(*)	(*)	(*)	----------	(*)	----------
William Stepniak	9786	(*)	(*)	(*)	----------	(*)	----------
Mussers, Inc	9788	(*)	----------	----------	----------	(*)	----------
Youndt Brothers	9789	(*)	(*)	----------	----------	(*)	----------
C. H. Thomas Sons, Inc	9790	(*)	----------	----------	----------	(*)	----------
Stolzfus Meat Market	9792	(*)	----------	----------	----------	(*)	----------
Locustdale Packing Co	9799	(*)	(*)	(*)	(*)	(*)	----------
Allen I. Romberger	9800	----------	(*)	----------	----------	----------	----------
Pezzner Brothers	9808	(*)	(*)	(*)	----------	----------	----------
Rohzem's, Inc	9809	(*)	----------	----------	----------	----------	----------
Hoch's Farms & Markets, Inc	9810	(*)	----------	----------	----------	----------	----------
Twin Pine Farm	9814	(*)	(*)	----------	----------	(*)	----------
J. A. Hargleroad & Sons	9816	(*)	(*)	(*)	(*)	(*)	----------
R. L. Potteiger	9817	(*)	(*)	(*)	----------	----------	----------
The Country Butcher Shop	9819	(*)	(*)	----------	----------	(*)	----------
Hervitz Packing Co	9821	(*)	(*)	----------	----------	----------	----------
Laudermilch Meats	9823	(*)	----------	----------	----------	(*)	----------
Phares Z. Longeneckner & Sons, Inc	9827	(*)	----------	----------	----------	----------	----------
Wellington J. Fischer	9828	(*)	(*)	----------	----------	(*)	----------
Winner Packing Co	9829	(*)	(*)	----------	----------	----------	----------
N. S. & C. H. Troutman	9832	(*)	(*)	(*)	----------	----------	----------
Mike Levchik	9834	(*)	(*)	(*)	----------	(*)	----------
Glenn J. Beaston	9835	(*)	(*)	----------	----------	----------	----------
Norman Zimmerman & Son	9836	(*)	----------	----------	----------	----------	----------
Ecenrod Meats	9837	(*)	----------	----------	----------	(*)	----------
George E. Garner	9838	(*)	(*)	(*)	----------	(*)	----------
Glenn H. Henry	9841	(*)	(*)	(*)	(*)	(*)	----------
Francis Bonanno Packing Co	9842	(*)	(*)	(*)	(*)	(*)	----------
Hughey (Bobby) Welyandt III	9843	(*)	(*)	(*)	(*)	(*)	----------
Pennsylvania State University—meats laboratory	9844	(*)	(*)	(*)	----------	(*)	----------
Charles Youndt & Sons	9846	(*)	----------	----------	----------	(*)	----------
Fentons Meats	9847	(*)	(*)	(*)	----------	(*)	----------
Olinyr Brothers Meat Packing Co	9848	(*)	(*)	(*)	----------	(*)	----------

Done at Washington, D.C., on: November 22, 1974.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-27944 Filed 12-3-74;8:45 am]

Farmers Home Administration

[Designation No. A101]

WISCONSIN

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Wisconsin:

Barron	Pepin
Buffalo	Pierce
Clark	Polk
Chippewa	Portage
Dodge	Rusk
Dunn	Shawano
Eau Claire	St. Croix
Jackson	Taylor
LaCrosse	Trempealeau
Lincoln	Wood
Marathon	

The Secretary has found that this need exists as a result of the following natural disasters:

NATURAL DISASTERS

Drought—June 1 through August 15, 1974, in the counties of:

Barron	LaCrosse
Clark	Marathon
Chippewa	Pierce
Dunn	St. Croix
Eau Claire	Taylor
Jackson	Trempealeau

Drought—June 15 through October 4, 1974, in the counties of:

Buffalo	Pepin

Killing frost—in the counties of:
Barron and Rusk—September 2, 1974.
Buffalo—September 2, 3, 4, and 22, 1974.
Clark and Lincoln—September 1, 2, and 3, 1974.
Chippewa—September 2 and 3, 1974.
Dodge—September 21 and 22, 1974.
Dunn—September 2 and 3, 1974.
Jackson—September 1, 2, 22, and 23, 1974.
LaCrosse—September 3, 4, and 14, 1974.
Marathon—August 31 and September 1, 2, and 3, 1974.
Pepin—September 2, 3, and 22, 1974.
Pierce and St. Croix—September 1, 2, 3, and 4, 1974.
Polk—August 31 and September 1 and 2, 1974.
Portage—August 30 and 31 and September 1, 2, 21, and 22, 1974.
Shawano—September 2 and 21, 1974.
Taylor—August 30 and 31 and September 1 and 2, 1974.
Wood—September 1, 2, 3, 21, and 22, 1974.

Hailstorms—in the counties of:

Barron—August 1, 1974.
Chippewa—August 7, 1974.
Eau Claire—June 29 and August 5, 1974.
Lincoln—June 14, 1974.
Pepin—July 15 and August 5, 1974.
Taylor—July 26 and August 7, 1974.
Trempealeau—June 14 and 19, 1974.

Excessive rainfall—in the counties of:

LaCrosse—during April and May 1974.
Trempealeau—April 10 through May 10, 1974.
Pierce—April 15 to May 31, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Patrick J. Lucey that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 20, 1975, for physical losses and August 22, 1975, for physical losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 27th day of November, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-28296 Filed 12-3-74;8:45 am]

Forest Service

LAND USE PLAN, BUCKS LAKE UNIT, PLUMAS NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Use Plan, Bucks Lake Unit, Plumas National Forest, California USDA–FS–R5–FES (Adm)–74–3.

The environmental statement concerns a proposed land use management plan for the 45,000 acres of National Forest lands known as the Bucks Lake Unit of the Plumas National Forest, in Plumas County, California. Seven thousand six hundred sixty-three acres within this unit have been inventoried as "Roadless."

The final environmental statement was transmitted to the Council on Environmetal Quality (CEQ) on November 27, 1974.

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

USDA, Forest Service
South Agriculture Building, Room 3231
12th St. & Independence Ave., SW
Washington, D.C.

Regional Forester's Office
630 Sansome St., Room 529
San Francisco, California

Forest Supervisor's Office
Plumas National Forest
Quincy, California

Oroville Ranger Station
Plumas National Forest
875 Mitchell Ave.
Oroville, California

A limited number of single copies are available, upon request, from Forest Supervisor Lloyd Britton, Plumas National Forest, Box 1500, Quincy, Calif. 95971.

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

T. W. KOSKELLA,
Deputy Regional Forester.

NOVEMBER 27, 1974.

[FR Doc.74-28321 Filed 12-3-74;8:45 am]

MULTIPLE-USE PLAN—NORTH FORK PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the proposed Multiple-Use Plan—North Fork Planning Unit, Report Number USDA–FS–FES (Adm) R1–74–11.

The environmental statement concerns a proposed management plan for about 224,130 acres of National Forest land on the Glacier View Ranger District of the Flathead National Forest, Flathead County, Montana. The proposed plan provides the District Ranger with management direction and guidance for each of the seven management units within the total planning area.

This final environmental statement was filed with CEQ on November 26, 1974.

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

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Region 1—Northern Region
200 East Broadway
Missoula, Montana 59801

USDA, Forest Service
Flathead National Forest
290 North Main
Kalispell, Montana 59901

USDA, Forest Service
Glacier View Ranger Station
Columbia Falls, Montana 59912

A limited number of single copies are available upon request to Edsel L. Corpe, Forest Supervisor, Flathead National Forest, 290 North Main, Kalispell, Montana 59901.

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

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

NOVEMBER 26, 1974.

[FR Doc.74-28320 Filed 12-3-74;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[COP-5-01-R:E:R]

BIELLA, LTD.

Application for Recordation of Trade Name

NOVEMBER 27, 1974.

Application has been filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), for recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name BIELLA, LTD. used by Biella, Ltd., a corporation organized under the laws of the State of New York, owned by Marques Haynes, located at 498 Seventh Avenue, New York, New York 10018.

The application states that the trade name is applied to women's knitwear, manufactured in Italy. The application states further that no foreign person, partnership, association or corporation is authorized to use the trade name sought to be recorded. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received not later than January 3, 1975.

Notice of the action taken on the application for recordation of the trade name will be published in the FEDERAL REGISTER.

[SEAL] LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

[FR Doc.74-28304 Filed 12-3-74;8:45 am]

Customs Service

[T.D. 74-296]

PLASTIC BASKETS AND WOODEN BOXES USED TO TRANSPORT FISH PARTS

Designation as Instruments of International Traffic

NOVEMBER 27, 1974.

Under the authority of section 10.41a (a), Customs Regulations (19 CFR 10.41a(a)), wooden boxes and wooden barrels of certain dimensions used for the transportation of fish were designated as instruments of international traffic by Treasury Decision 73-145, dated May 21, 1973.

It has been established to the satisfaction of the U.S. Customs Service that plastic baskets and wooden boxes of United States manufacture, with the name "The Mearl Corporation" stamped or painted in a permanent manner on the containers, used for the transportation of fish parts, are substantial, suitable for and capable of repeated use, and used in significant numbers in international traffic.

Therefore, Treasury Decision 73-145 is amended to designate the above-described baskets and boxes as "instruments of international traffic" within the meaning of section 322a, Tariff Act of 1930, as amended (19 U.S.C. 1322(a)). These containers may be released under the procedures provided for in § 10.41a (a), Customs regulations.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.74-28313 Filed 12-3-74;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Prisons

NATIONAL INSTITUTE OF CORRECTIONS ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board, in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Monday, December 16, 1974, starting at 8 a.m., in the Regional Office of the Federal Bureau of Prisons Conference Room, KCI Bank Building, 8800 NW, 112th Street, Kansas City, Missouri.

The Board will elect officers, plan search for Director, and set program priorities.

Signed at Washington, D.C., this second day of December 1974.

NORMAN A. CARLSON,
Director.

[FR Doc.74-28424 Filed 12-3-74;8:45 am]

Drug Enforcement Administration

[Docket No. 74-1]

ARTHUR R. BLACK

Revocation of Registration

On November 7, 1973, the Administrator of the Drug Enforcement Administration caused to be delivered to Arthur R. Black, M.D., of Kirkland, Washington, an Order to Show Cause which proposed to revoke the BNDD registration (AB4243553) which had been issued to him on August 11, 1973, for the reason that, on or about September 14, 1973, in the United States District Court for the District of Washington at Seattle, Dr. Black had been convicted of violation of sections 841(a)(1) and 841(b)(1)(B), Title 21, United States Code. Both are felony violations of the Controlled Substances Act of 1970.

The Order to Show Cause included a specific finding by the Administrator that Dr. Black's retention of his BNDD registration during the pendency of the proceedings initiated by the Order would, because of the serious criminal convictions involved, constitute an imminent danger to the public health and safety. Based on that finding, the Administrator simultaneously ordered the immediate suspension of BNDD registration AB4243553 pursuant to Title 21, United States Code, section 824(d) and to Title 28, Code of Federal Regulations, section 0.100, as amended.

On December 6, 1973, Dr. Black, through his counsel, Mr. Anthony Savage of Seattle, Washington, requested a hearing on the matters of fact and law raised in the Order to Show Cause. On February 28, 1974, that hearing convened in Seattle, Washington before Administrative Law Judge Gordon Callow.

On August 7, 1974, Judge Callow filed his Recommended Decision, with the Administrator of the Drug Enforcement Administration, stating:

Preliminary and Jurisdictional Matters. This matter is before the administrative law judge pursuant to a notice of hearing published in the FEDERAL REGISTER of February 11, 1974 (Exhibit G-6); an assignment made by the Civil Service Commission on January 23, 1974 (Exhibit G-2); and an order to show cause why the suspension of Drug Enforcement Administration Registration AB4243553 effective November 7, 1973, should not be made permanent (Exhibit G-1). Said registration stands, or stood in the name of Arthur R. Black, M.D., an osteopathic physician residing in Kirkland, Washington.

In the order to show cause of November 7, 1973, John R. Bartels, Jr., Administrator of the Drug Enforcement Administration, citing the "imminent danger to the public health and safety" retention of the Certificate of Registration by Doctor Black would cause during the pendency of this and other proceedings (infra), suspended the respondent physician's Bureau of Narcotics and Dangerous Drugs Registration No. AB4243553, hereinafter referred to as the "Registration."

The order to show cause afforded Doctor Black the three options of (1) requesting a hearing; (2) waiving a hearing and submitting the matter through a written statement of position; or (3) declining to do either of the foregoing.

On December 6, 1973, counsel for Doctor Black requested a hearing, and (1) objected to the action taken by the Administration in suspending the Registration inasmuch as the conviction of Doctor Black on September 14, 1973, for violation of Sections 841(a)(1) and 842(b)(1)(B) of Title 21, United States Code, was on appeal before the United States Court of Appeals, Ninth Circuit, and proceedings before that tribunal were pending; and (2) that the suspension should have related only to amphetamines, since these substances alone were involved in the aforementioned criminal convictions; and (3) the proceedings before the administrative law judge should be stayed pending completion of the litigation before the United States Court of Appeals; and (4) any revocation or suspension of the Registration should be, or should have been limited only to the controlled substances involved; i.e., amphetamines.

Proceedings in this matter were commenced on February 28, 1974, and concluded on March 1, 1974, at Seattle, Washington in the Customs Court Room in the now "Old" Federal Office Building at First Avenue and Marion Streets. The Government was represented by Allan C. Fork, Esq., then Regional Counsel for the Drug Enforcement Administration, Los Angeles, California, and Stephen Wainger, Esq., Attorney with the Department of Justice, Washington, D.C. The respondent was represented by Anthony Savage, Jr., Esq., Attorney-at-Law of Seattle, Washington.

At the outset of the hearing the motion by respondent to stay this proceeding pending the appellate litigation was denied since Section 304(c) of Public Law 91-513, the Comprehensive Drug Abuse Prevention and Control Act of 1970 states quite clearly that: "proceedings to deny, revoke or suspend shall * * * be independent of, and not in lieu of, criminal proceedings or other proceedings under this title." Ruling was reserved on the motion to limit any revocation or suspension of the Registration which might result to the specific controlled substances dealt with in the criminal conviction; i.e., amphetamines.

The Issues. The issues before the administrative law judge are two-fold: first, was the suspension of the Registration by the Administrator proper under the provisions of Section 304(d) of the Controlled Substances Act (21 USC 824(d)) and Section 0.100 of Title 28, Code of Federal Regulations; and second, should said suspension of the Registration be made permanent (revoked) pursuant to Section 304(a) of the Controlled Substances Act and the applicable regulations promulgated thereunder.

The applicable statute. Section 304 of the Controlled Substances Act (Title II of Public Law 91-513, 84 Stat. 1242) reads as follows:

"(a) A registration pursuant to section 303 to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the Attorney General upon a finding that the registrant—

(1) Has materially falsified any application filed pursuant to or required by this title or title III;

(2) Has been convicted of a felony under this title or title III or any other law of the United States, or of any State, relating to any substance defined in this title as a controlled substance; or

(3) Has had his State license or registration suspended, revoked, or denied by competent State authority and is no longer authorized by State law to engage in the manufacturing, distribution, or dispensing of controlled substances.

"(b) The Attorney General may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.

"(c) Before taking action pursuant to this section, or pursuant to a denial of registration under section 303, the Attorney General shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked, or suspended. The order to show cause shall contain a statement of the basis thereof and shall call upon the applicant or registrant to appear before the Attorney General at a time and place stated in the order, but in no event less than thirty days after the date of receipt of the order. Proceedings to deny, revoke, or suspend shall be conducted pursuant to this section in accordance with subchapter II of chapter 5 of title 5 of the United States Code. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under this title or any other law of the United States.

"(d) The Attorney General may, in his discretion, suspend any registration simultaneously with the institution of proceedings under this section, in cases where he finds that there is an imminent danger to the public health or safety. Such suspension shall continue in effect until the conclusion of such proceedings, including judicial review thereof, unless sooner withdrawn by the Attorney General or dissolved by a court of competent jurisdiction.

"(e) The suspension or revocation of a registration under this section shall operate to suspend or revoke any quota applicable under section 306.

"(f) In the event the Attorney General suspends or revokes a registration granted under section 303, all controlled substances owned or possessed by the registrant pursuant to such registration at the time of suspension or the effective date of the revocation order, as the case may be, may, in the discretion of the Attorney General, be placed under seal. No disposition may be made of any controlled substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded except that a court, upon application therefor, may at any time order the sale of perishable controlled substances. Any such order shall require the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all such controlled substances (or proceeds of sale deposited in court) shall be forfeited to the United States; and the Attorney General shall dispose of such controlled substances in accordance with section 511(e)."

Sections 301.45 through 301.57 of Title 21, Code of Federal Regulations apply to the proceedings herein as well, and have been considered throughout the litigation.

Summary of the Evidence. On September 10, 1973, the United States District Court for the Western District of Washington, The Honorable Walter McGovern hearing the case without a jury, did find the respondent herein guilty of violating Sections 841(a)(1) and 841(b)(1)(B) of Title 21, United States Code, each of which involved a drug related felony violation of the Controlled Substances Act of 1970 (Exhibit R-1).

On September 14, 1973, Judge McGovern sentenced Doctor Black to a term of three

years in prison, but stayed execution of the sentence of imprisonment and placed Doctor Black on probation for three years under the usual Federal probationary requirements (Exhibits G–7 and G–8). At the same time, the respondent was aquitted of all three counts in a criminal information tried concurrently (Exhibit G–9).

Counsel for the respondent conceded the convictions, but was granted a continuing objection to all evidence adduced by the Government that did not relate directly to the said convictions. Said evidence involved the overwhelming bulk of the evidence then produced by the Government.

Without belaboring the minute details, this evidence indicates that on four separate occasions Doctor Black has voluntarily surrendered his Registration permitting him to prescribe, administer and distribute drugs and other controlled substances. These voluntary suspensions occurred in (1) 1955, and involved use of the drug Demerol in 1954 and 1955 by the respondent on himself (Exhibit G–10); (2) in 1958, again involving the use of the drug Demerol (Exhibit G–11); again in 1961, again apparently primarily involving the use of the drug Demerol (Exhibit G–12); and again in 1969, that time apparently involving primarily the use of the drug Leritine on himself.

A further quite current investigation was described by witnesses at the hearing which involved the alleged use by Doctor Black on himself of the analgesic Talwin, an opiate antagonist drug (Exhibits G–18, G–20, G–21 and G–22).

Doctor Lawrence Halpern, Ph.D., of the University of Washington School of Pharmacology who is the consultant neuropharmacologist to the Pain Clinic at the University of Washington Hospital testified in response to a hypothetical question that use of as much liquid Talwin as the Government presumed Doctor Black was using on himself was "unusual" unless one has a particular type of patient that is using this analgesic. The dosages projected and reflected by Doctor Black's purchases of Talwin were very high.

Doctor Halpern testified further about "drug dependence" as a general phenomenon (not drug abuse), rather than talking about the drug Talwin. Drug dependence, according to Doctor Halpern, a recognized expert in this field, is a "relapsing disease," and he does not become discouraged when a detoxified patient relapses into a second or third or fourth episode of drug dependence. He further testified, however, that an increased number of relapses prognosticates more relapses; and that persons treating such patients can look forward to the relapses occurring periodically.

A late filed Exhibit, the Findings, Conclusions and Order of The Washington State Board of Osteopathy revoking Doctor Black's license to practice in the State has been received and made a part of the record.

Discussion and Evaluation of the Evidence. Counsel for the respondent objected early, often, and were this a criminal proceeding, quite properly, to the lack of notice given him and his client concerning the nature of the evidence to be adduced by the Government at the hearing. However, under the terms of statute cited above, the fact remains that the Administrator of the Drug Enforcement Administration, may, in his discretion, suspend or revoke a physician's Registration under Section 304(a) of the Controlled Substances Act for either (1) a felony conviction under Title II or Title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970; or (2) if a registrant has had his state license revoked, suspended or denied. At the time of the hearing the felony conviction and sentence were a matter of record, albeit on appeal to the United States Court of Appeals.

The finding by the Administrator of an "imminent danger to the public health and safety" was, I assume, based on both the fact of the felony conviction, and upon the additional evidence of Doctor Black's personal problems adduced at the hearing. Given the combination it is this writer's opinion that the Administrator quite properly exercised the discretion allowed him under Section 304 (d) of the Controlled Substances Act, as well as under Section 304(a)(2) of the said Act.

Doctor Black's case history since 1955 is one of personal and probably professional tragedy. There is little question that he has a history of drug dependence, and relapses back into drug dependence of the type and pattern described in Doctor Halpern's testimony. He must also be a basically kind man judging from the extreme reluctance of his former employees to testify against him.

The treatment afforded Doctor Black at sentencing by Judge McGovern bespeaks the fact the Court must have had a similar impression of the man, if not so favorable an impression of his professional conduct. In this context I am justified in treating the evidence of the Doctor's history of drug dependence as proof in support of the allegation of the "imminent danger to the public health and safety" set out in the order to show cause.

Had this been a criminal proceeding, rather than an administrative hearing, I believe much of the evidence relating to the four voluntary surrenders of the Registration by the respondent could have been properly excluded from the record because of lack of proper notice giving respondent's counsel timely opportunity to prepare a defense. The day of "hide and seek" in court and administrative hearings so prevalent as recently as a dozen years ago in some instances is now over. Were the positions of the counsel and judge scrambled in this proceeding, I would, I hope, have given respondent's counsel more detail in the order to show cause of the nature of the evidence he would be called upon to negate or rebut. However, in an administrative proceeding not involving respondent's personal freedom, I do not believe the form of the notice to be reversible error.

Recommended Findings. Based upon a full and careful review of all of the evidence of record the administrative law judge makes the following findings:

1. The respondent, Arthur R. Black of Kirkland, Washington, is an osteopathic physician whose license to practice in the State of Washington was recently suspended for a period of three years. He is fifty years of age.

2. On four separate occasions, 1955, 1959, 1961 and 1969 he voluntarily surrendered his "Registration" certificate issued by the Federal Government, which "Registration" authorized him to prescribe controlled drugs, narcotics and other controlled substances.

3. During much of the period between 1955 and the present, the evidence quite clearly establishes the fact that Doctor Arthur R. Black was drug dependent, using such drugs as Demerol and Leritine to satisfy said dependence.

4. In recent months the evidence indicates Doctor Black has been using injectible Talwin, a type of analgesic, not a controlled substance as defined in the Controlled Substances Act, supra, but one which does require a prescription to obtain from a pharmacist. The Physicians Desk Reference, 27th ed. (1973), at page 1552 states: "Warnings: Drug Dependence. There have been instances of psychological and physical dependence on parenteral Talwin in patients with a history of drug abuse and, rarely, in patients without such a history. Abrupt discontinuance following the extended use of parenteral Talwin has resulted in withdrawal symptoms. There have been a few reports of dependence and of withdrawal symptoms with orally administered Talwin. Patients with a history of drug dependence should be under close supervision while receiving Talwin orally."

5. Given the respondent's history of drug dependence and the showing of his recent use of parenteral Talwin, the finding of imminent danger to the public health and safety in the show cause order was proper.

6. On September 10, 1973, the respondent was found guilty of three counts of violating Sections 841(a)(1) and 841(b)(1)(B) of Title 21, United States Code. For these offenses the United States District Court for the Western District of Washington, McGovern, District Judge, sentenced the respondent to three years' imprisonment, suspended and placed Doctor Black on three years' probation.

7. The convictions set out in recommended Finding No. 6, supra, sustain the suspension of the Registration as noted in the show cause order in line with Section 304(a)(2) of the Controlled Substances Act.

8. The State of Washington on April 26, 1974, revoked the respondent's license to practice osteopathy (late filed Exhibit G–24, which is hereby received as part of the record in this proceeding).

9. The suspension of the Registration of Doctor Arthur R. Black, an osteopathic physician, on November 7, 1973, by the Administrator of the Federal Drug Enforcement Administration, United States Department of Justice, was proper under the provisions of sections 304(a)(2) and 304(d) of the Controlled Substances Act (21 USC 824(a)(2) and 824(d)).

Recommended Decision. It is recommended that the Administrator, Drug Enforcement Administration, continue the suspension of Certificate of Registration No. AB4243553 standing in the name of Arthur R. Black, M.D., an osteopathic physician, until such time as the respondent has successfully completed his three-year period of probation imposed by the United States District Court for the Western District of Washington on September 14, 1973; and that such Certificate of Registration or one similar to it not be reissued to Doctor Black without convincing proof that the respondent is no longer drug dependent.

Before examining the Recommended Decision, the Administrator must comment upon the references made by the Administrative Law Judge to the adequacy of notice provided to Respondent within the order to show cause. Justice and due process do not require that the order to show cause be set forth with the precision or particularity of an indictment. It is generally accepted within the administrative process that the essential element to pleading is "nothing more than the opportunity to prepare." See Davis, Administrative Law Treatise (1958), §§ 8.04 and 8.05. Furthermore, what matters is not the adequacy of the notice of the original pleading, but rather the fairness of the entire adjudicatory procedure. Under applicable procedures found in 21 CFR 1316.51, 1316.53, 1316.54 and 1316.57, deficiencies in the order to show cause may be cured by informal communication, by formal amendment, by pre-hearing conferences or by continuances at the hearing. This ensures that the party to whom the order is directed has adequate opportunity to prepare a

response within the scope of the available administrative procedures.

In the instant case, it is the Administrator's finding that the entire framework of the hearing process provided Respondent with an adequate opportunity to prepare a response in defense of all issues raised by the order to show cause. The fact that Respondent did not take advantage of this opportunity does not tarnish the fairness of the procedural machinery available in this case and all others conducted in accordance with the regulations found in 21 CFR 1316.41–1316.67.

In his Recommended Decision, the Administrative Law Judge recommended that the Drug Enforcement Administration continue the suspension of Dr. Black's Certificate of Registration until the Respondent provides convincing proof that he is no longer drug dependent. Such a disposition does not take into consideration the fact that registrations issued by this agency, under the Controlled Substances Act, are valid for not more than one year, unless otherwise extended pursuant to the provisions of Section 1301.47, Title 21, Code of Federal Regulations. In this case, Respondent's registration was so extended, and the Administrator finds that any further extension of this Certificate of Registration would not be consistent with the public health and safety.

Moreover, there is no dispute concerning the fact of Dr. Black's three count felony convictions of violating sections 841(a)(1) and 841(b)(1)(B), Title 21, United States Code, and the fact that on April 26, 1974, the State of Washington revoked by Dr. Black's license to practice osteopathy, including but not limited to, his right to dispense controlled substances. Therefore, in accordance with the provisions of Section 1316.66, Title 21, Code of Federal Regulations, and in view of the foregoing, it is the Administrator's finding that Arthur R. Black, M.D. was convicted of three counts of violating sections 841(a)(1) and 841(b)(1)(B), Title 21, United States Code, in the United States District Court for the Western District of Washington, whereupon he was sentenced to imprisonment for a period of three years, the execution thereof being suspended, and Dr. Black being placed on probation for a period of three years; and the State of Washington, on April 26, 1974, revoked the license to practice osteopathy of Dr. Black.

Therefore, under the authority vested in the Attorney General by section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824), and redelegated to the Administrator of the Drug Enforcement Administration, by section 0.100, as amended, Title 28, Code of Federal Regulations, the Administrator hereby orders that the Certificate of Registration of Arthur R. Black, M.D. (BNDD Registration AB4243553) be, and hereby is revoked, effective upon publication hereof in the FEDERAL REGISTER.

Dated: November 25, 1974.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74-28024 Filed 12-3-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

EASTERN NEVADA AGENCY AND WESTERN NEVADA AGENCY

Establishment of Agencies

NOVEMBER 22, 1974.

This notice is published in exercise of the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that the Eastern Nevada Agency (formerly the Western Shoshone Subagency) and the Western Nevada Agency (formerly the Nevada Agency) are established effective November 24, 1974. The headquarters office for Eastern Nevada Agency will be located at Owyhee, Nevada 89832. The headquarters office for Western Nevada Agency will be located at Stewart, Nevada 89437. The Agencies will be under the jurisdiction of the Phoenix Area Office.

This change was requested by Indian tribal and community groups in western Nevada. With the establishment of the Eastern Nevada Agency at Owyhee, the Indian tribal and community groups of both eastern and western Nevada will receive better and more direct services and Agency resources will be devoted exclusively to each sector. Also the Stewart Boarding School was separated from the jurisdiction of the Nevada Agency and has now been redesignated as an off-reservation boarding school reporting to the Phoenix Area Director.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74-28253 Filed 12-3-74;8:45 am]

Bureau of Land Management

SUSANVILLE DISTRICT GRAZING ADVISORY BOARD, CALIF.

Meeting

NOVEMBER 26, 1974.

Notice is hereby given that the Susanville, Calif., District Advisory Board will hold a meeting beginning at 10 a.m. on January 3, 1975 at the Susanville District Office of the Bureau of Land Management, 705 Hall St., Susanville, Calif.

Purpose of this meeting will be to hear any protests resulting from action taken at the December 4th and 5th meeting and further discussion on the proposed rules 43 CFR Part 1780 Advisory Boards.

The meeting is open to the public. Interested persons may make oral/written presentations to the Board. Such requests should be made to the official listed below at least 5 days prior to the meeting. Requests for additional information should be submitted to the District Manager, P.O. Box 1090, Susanville, Calif. 96130, telephone Number (916) 257-5385.

D. DEAN BIBLES,
District Manager.

[FR Doc.74-28322 Filed 12-3-74;8:45 am]

SAFFORD DISTRICT ADVISORY BOARD

Meeting

Notice is hereby given that the Safford District Advisory Board will hold a protest meeting at 9 a.m. on January 3, 1975, at the Safford District Office, 1707 Thatcher Blvd., Safford, Arizona.

The purpose of the meeting is to hear protests to any adverse recommendations which might come out of the meeting of December 17, 1974.

The meeting will be open to the public insofar as seating is available. Time will be available for brief statements from members of the public, but those wishing to make an oral statement must inform the Chairman in writing prior to the meeting. Interested persons may file a written statement with the Board for its consideration. They should be sent to the Chairman, District Advisory Board, c/o District Manager, Bureau of Land Management, 1707 Thatcher Boulevard, Safford, Arizona 85546.

Dated: November 25, 1974.

WILLIAM S. EARP,
District Manager.

[FR Doc.74-28239 Filed 12-3-74;8:45 am]

ARIZONA PHOENIX DISTRICT ADVISORY BOARD

Notice of Protest Meeting

A meeting of the Grazing Advisory Board for the Phoenix District will be held at 10 a.m. on January 3, 1975, in the Chamber of Commerce Building at the junction of U.S. Highways 66 and 93 in Kingman, Arizona.

The agenda is limited to protests arising from grazing recommendations of the Advisory Board at the regular meeting on November 19, 1974, held in Phoenix, Arizona.

These protests may be made in person, by attorney or representative, or in writing.

The meeting will be open to the public insofar as space will allow.

Statements by members of the public may be made in strict pertinence to matters coming before the Board.

Dated: November 26, 1974.

RILEY E. FOREMAN,
District Manager.

[FR Doc.74-28254 Filed 12-3-74;8:45 am]

IDAHO FALLS DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Bureau of Land Management, Idaho Falls District Advisory Board will meet at 10 a.m. on December 19, 1974 in the conference room of the Bureau of Land Management Building, Idaho Falls District, 940 Lincoln Road, in the city of Idaho Falls, State of Idaho. The agenda for the meeting will include the hearing of protests on Advisory Board recommendations and late grazing applications.

The meeting will be open to the public. Those wishing to make an oral statement should inform the Advisory Board Chairman prior to the meeting. Any interested person may file a written statement with the Board for is consideration. The Advisory Board Chairman is Tom Stroschein, c/o District Manager, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401.

WILLIAM L. MATHEWS,
State Director.

NOVEMBER 21, 1974.

[FR Doc.74-28255 Filed 12-3-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 75-23]

McCALL ENTERPRISES, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), McCall Enterprises, Inc. has filed a petition to modify the application of 30 CFR 77.1605(k) to its Surface Mine, Oliver Springs, Tennessee.

30 CFR 77.1605(k) provides, "Berms or guards shall be provided on the outer banks of elevated roadways."

In support of its petition, Petitioner states:

(1) The installation of berms would cause water to accumulate, and erode the roadway. In addition, the accumulated water would freeze in cold weather thereby increasing the driving hazards.

(2) The berms would not permit graders to efficiently maintain the roadway.

(3) Petitioner's haulage road is not sufficiently wide to permit the installation of berms. To make such an installation, solid rock would have to be blasted out of the mountainside. Environmental and conservation laws strictly control such blasting.

(4) Guard rails would have to be installed in fill dirt which would not provide the necessary anchorage to make the guard rails effective.

(5) Petitioner believes that trained drivers, operating trucks equipped with engine brakes on well-maintained roadways, would better serve the interest of safety than the application of § 77.1605(k).

(6) Petitioner further asserts that its haulage roads are safer than the state-maintained roads over which petitioner's drivers travel 85 percent of the time.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.74-28258 Filed 12-3-74;8:45 am]

[Docket No. M 75-25]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Island Creek Coal Company has filed a petition to modify the application of 30 CFR 75.1105 to its Summersville 2-A Mine, Richwood, West Virginia.

30 CFR 75.1105 provides:

Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. Other underground structures installed in a coal mine as the Secretary may prescribe shall be of fireproof construction.

In support of its petition to secure a waiver of § 75.1105 as it applies to two permanent pumps located on the Anthony Number 1 belt in the subject mine, Petitioner states:

(1) Both pumps are enclosed in a block building. However, in order to ventilate the pumps in the return airways, the pumps would have to be moved 400 feet. In so moving the pumps, Petitioner would have to extend the suction lines to a point where the pumps would not be effective in removing water from the belt area.

(2) Removal of the pumps from their present location would prevent Petitioner from operating the belt.

(3) As an alternative to Section 75.1105, Petitioner proposes to install a 20-pound chemical cylinder equipped with heat sensors which would activate in the event of fire in the pump enclosure. If approved, the chemical system will be installed upon delivery.

The petition is supported by schematic diagrams showing the location of the subject pumps.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

NOVEMBER 26, 1974.

[FR Doc.74-28257 Filed 12-3-74;8:45 am]

[Docket No. M 75-55]

PRINCESS SUSAN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Princess Susan Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its Witcher Creek Surface Mine, Belle, Kanawha County, West Virginia.

30 CFR 77.1605(k) provides: "Berms or guards shall be provided on the outer bank of elevated roadways."

In support of its petition, Petitioner states:

(1) This modification is to apply only to temporary roads constructed and used in the haulback, valley fill and side hill fill systems.

(2) The physicial characteristics of the subject mine are virtually identical to those of Petitioner's Blakely Mine for which a modification of § 77.1605(k) was granted in a decision by an Administrative Law Judge on August 23, 1974 in a case bearing docket number M 74-91.

(3) In accordance with the precedent and practice established under the previously approved modification, Petitioner proposes to institute the same operational conditions at the subject mine including:

(a) No coal haulage is to be performed on the temporary roads.

(b) The operators of loading and haulage equipment traveling or performing work on temporary roads will receive additional instruction in haulage practices.

(c) Suitable signs will be posted to alert personnel to areas where berms or guardrails are not required.

(d) Petitioner will continue to inspect haulage equipment and make necessary repairs.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

NOVEMBER 26, 1974.

[FR Doc.74-28256 Filed 12-3-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

NORTH-WEST TELEPHONE CO.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in the proposed REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," published in the FEDERAL REGISTER, September 16, 1974 (39 FR 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $3,000,000 to North-West Telephone Company, Tomah, Wisconsin. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding, and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Harris G. Allen, President, North-West Telephone Company, 901 Kilbourn Avenue, Tomah, Wisconsin, 54660.

To assure consideration, proposals must be submitted on or before January 3, 1975 to Mr. Harris G. Allen. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as North-West Telephone Company and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of the proposed REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C. this 27th day of November, 1974.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.74-28298 Filed 12-3-74;8:45 am]

OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $502,000,000 to Oglethorpe Electric Membership Corporation of Atlanta, Georgia. The loan guarantee will be used to finance a project consisting of Oglethorpe's acquiring a 30 percent ownership interest in (i) a nuclear generating plant with two units of 813 MW each, and (ii) a coal fired generating plant with two units of 865 MW each. Also included in the project is 407 miles of 230 kV and 500 kV transmission line that will be owned by Oglethorpe. Certain of the generation and transmission facilities have recently been constructed by or are presently under construction by Georgia Power Company of Atlanta, Georgia.

Legally organized lending agencies capable of making, holding, and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Forrest F. Stacy, Jr., Director of Engineering & Power Supply, Oglethorpe Electric Membership Corporation, 148 Cain Street, Suite 845, Atlanta, Georgia 30303.

In order to be considered, proposals must be submitted on or before January 10, 1975 to Mr. Stacy. The right is reserved to give such consideration and make such evaluations or other dispositions of all proposals received as Oglethorpe Electric Membership Corporation and REA may deem appropriate. Prospective lenders are advised that it is anticipated that financing for this project will be available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

The Rural Electrification Administration has published a revision of proposed REA Bulletin 20-22 entitled "Guarantee of Loans for Bulk Power Supply Facilities" which sets forth agency proposed policies and requirements concerning loan guarantees. The text of this proposed revised bulletin was published for comment in the FEDERAL REGISTER dated January 3, 1974, page 814.

Copies of the proposed revised REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 27th day of November, 1974.

DAVID A. HOLIIL,
Administrator,
Rural Electrification Administration.

[FR Doc.74-28302 Filed 12-3-74;8:45 am]

UNITED TELEPHONE CO.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in the proposed REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," published in the FEDERAL REGISTER, September 16, 1974 (39 FR 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $6,000,000 to the United Telephone Company, P.O. Box 159, Monroe, Wisconsin. The loan funds will be used to finance the construction of facilities to connect new subscribers, upgrade all remaining exchanges to one-party service and for other system improvements in accordance with the area coverage design.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. James O. Driver, President, United Telephone Company, P.O. Box 159, Monroe, Wisconsin 53566.

To assure consideration, proposals must be submitted on or before January 3, 1975 to Mr. James O. Driver. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the United Telephone Company and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of the proposed REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 27 day of November, 1974.

DAVID A. HOMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.74-28297 Filed 12-3-74;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

SIMPLIFIED PRACTICE RECOMMENDATIONS

Action on Proposed Withdrawal

In accordance with § 10.12 of the Department's procedures for the development of voluntary product standards (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Simplified Practice Recommendations R 243-51, "Unorificed Radiator Supply Valves" and R 244-51, "Low-Pressure Thermostatic Radiator Traps, and Float-and-Thermostatic Traps."

It has been determined that these standards are no longer technically adequate and that revision would serve no useful purpose. This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of August 22, 1974 (39 FR 30370), to withdraw these standards.

The effective date for the withdrawal of these standards will be February 3, 1975. This withdrawal action terminates the authority to refer to these standards

as voluntary standards developed under the Department of Commerce procedures.

RICHARD W. ROBERTS,
Director.

NOVEMBER 27, 1974.

[FR Doc.74-28241 Filed 12-3-74;8:45 am]

ADVISORY COMMITTEE FOR INTERNATIONAL LEGAL METROLOGY

Requests for Comments

The International Organization of Legal Metrology (OIML), of which the United States is a member, has requested that nineteen International Recommendations, approved by the Third International Conference of Legal Metrology, be reviewed for possible revision. This is the first opportunity for the United States to recommend revisions that will inject U.S. "points of view" and "practice" into recommendations that were developed prior to U.S. membership in OIML.

The Advisory Committee for International Legal Metrology is charged with responsibility for advising the Department of Commerce through the Director, National Bureau of Standards (NBS), on technical and policy matters relating to NBS's assigned general responsibility for the development of U.S. positions on technical issues arising in OIML. The Committee is hereby requesting public comments on these recommendations to ensure an opportunity for the widest possible input by manufacturers and users in the formulation of the United States position.

Anyone wishing to comment on these International Recommendations may secure a copy at no charge from:

Mr. David E. Edgerly, Secretary
Advisory Committee for International Legal Metrology
U.S. Department of Commerce
National Bureau of Standards
Washington, D.C. 20234

Comments should be addressed by January 31, 1975, to Mr. Edgerly at the above address.

List of International Recommendations Approved by the Third International Conference of Legal Metrology.

(1) Cylindrical Weights from 1 Kilogram to 10 Kilograms (Medium Accuracy Class).
(2) Rectangular Bar Weights from 5 Kilograms to 50 Kilograms (Medium Accuracy Class).
(3) Metrological Regulations of Nonautomatic Weighing Machines.
(4) Volumetric Flasks (One Mark) in Glass.
(5) Meters for Liquids (Other Than Water) with Measuring Chambers.
(6) General Specifications for Volumetric Gas Meters.
(7) Clinical Thermometers (Mercury—in Glass, with Maximum Device).
(8) Standard Working Method for Checking Instruments for Measuring the Moisture Content of Grain.
(9) Verification and Calibration of "Brinell" Hardness Standardized Blocks.
(10) Verification and Calibration of "Vickers" Hardness Standardized Blocks.
(11) Verification and Calibration of "Rockwell B" Hardness Standardized Blocks.
(12) Verification and Calibration of "Rockwell C" Hardness Standardized Blocks.
(15) Instruments for Measuring the Hectolitre Mass of Cereals.
(16) Manometers for Instruments for Measuring Blood Pressure.
(17) "Indicating" Pressure Gages, Vacuum Gages, and Pressure Vacuum Gages.
(18) Optical Pyrometers of the Disappearing Filament Type.
(19) "Recording" Pressure Gages, Vacuum Gages, and Pressure Vacuum Gages.

Dated: November 27, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74-28242 Filed 12-3-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 7358; Docket No. FDC-D-520; NDA's 5-795 et al.]

NITROFURAN DRUGS

Withdrawal of Approval of Certain New Drug Applications or Pertinent Parts Thereof

A notice was published in the FEDERAL REGISTER of March 29, 1973 (38 FR 8186) in which the Commissioner of Food and Drugs proposed to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the following new drug applications:

1. NDA 7-358, Furacin Nasal Drops containing nitrofurazone with ephedrine;
2. NDA 12-403, Furacin Otic Drops containing nitrofurazone and nifuroxime with diperodon hydrochloride; and
3. That part of NDA 5-795 pertaining to Furacin Ear Solution containing nitrofurazone; all formerly marketed by Norwich Pharmacal Co., Division of Morton-Norwich Products, Inc., 13-27 Eaton Avenue, Norwich, NY 13815.

Other drugs included in the above notice are not affected by this notice and will be handled in separate FEDERAL REGISTER notices.

The bases of the proposed action were that there is a lack of substantial evidence of effectiveness and that the products are not shown to be safe.

On April 30, 1973, in response to the notice, Norwich filed separate requests for a hearing for each of the above new drug applications. On September 5, 1974 and October 4, 1974 Norwich withdraw the requests for hearing for the above products and stated that marketing of these products has been discontinued.

No other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of an opportunity for hearing.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that (1) on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling; and (2) tests by methods not deemed reasonably applicable when such applications were approved, evaluated together with the evidence available when the applications were approved, show that the drugs are not shown to be safe for use under the conditions of use upon the basis of which the applications were approved.

Therefore, pursuant to the foregoing findings, approval of new drug application Nos. 7-358 and 12-403 and approval of those parts of new drug application No. 5-795 pertaining to Furacin Ear Solution and all amendments and supplements applying thereto is withdrawn effective on December 16, 1974.

Shipment in interstate commerce of the above-listed drug products or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: November 25, 1974.

J. RICHARD CROUT,
Director,
Bureau of Drugs.

[FR Doc.74-28288 Filed 12-3-74;8:45 am]

[DESI 7519; Docket No. FDC-D-707; NDA 8-406]

NEOHYDRIN TABLETS

Withdrawal or Approval of New Drug Application

On September 17, 1974, there was published in the FEDERAL REGISTER (39 FR 33387) a notice of opportunity for hearing (DESI 7519) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of NDA 8-406 providing for Neohydrin Tablets, containing chlormerodrin; Lakeside Laboratories, Division Colgate-Palmolive Co., 1707 East North Avenue, Milwaukee, WI 53202.

The above notice also included Cumertilin Tablets (NDA 7-519) containing mercumatilin. As stated in the notice, approval of that NDA had previously been withdrawn on the ground of failure to submit required reports under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335(j)). The purpose of including Cumertilin in the notice of September 17, 1974 was

to state that this drug lacks substantial evidence of effectiveness for its various labeled indications and to offer all interested persons the opportunity to request a hearing concerning all issues relating to its legal status.

All drug products which are identical, related or similar to either Neohydrin (chlormerodrin) Tablets or Cumertilin (mercumatilin) Tablets, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

On October 8, 1974, Lakeside Laboratories responded to the above notice by requesting the withdrawal of approval of new drug application No. 8-406 for Neohydrin Tablets, thereby waiving their opportunity for a hearing.

No other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 8-406, and all amendments and supplements applying thereto, is withdrawn effective on December 16, 1974.

Shipment in interstate commerce of the above-listed product or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: November 25, 1974.

J. RICHARD CROUT,
Director,
Bureau of Drugs.

[FR Doc.74-28289 Filed 12-3-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-453-DR; Docket No. NFD-239]

OKLAHOMA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on November 26, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Oklahoma resulting from severe storms and flooding beginning about October 31, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Oklahoma.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Joe D. Winkle, HUD Region VI, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Oklahoma to have been adversely affected by this declared major disaster:

The Counties of:

Canadian	Oklahoma
Creek	Osage
Grant	Pawnee
Lincoln	Tulsa
Logan	Washington

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: November 26, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-28290 Filed 12-3-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON THE REACTOR SAFETY STUDY (WASH-1400)

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Working Group on the Reactor Safety Study (WASH-1400) will hold a meeting on December 20, 1974 in Room 1046, 1717 H Street, NW., Washington, D.C.

The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the draft report on the "Reactor Safety Study (WASH-1400), An Assessment of Accident Risks in U.S. Commercial Nuclear Power Plants."

The following constitutes that portion of the Working Group's agenda for the above meeting which will be open to the public:

Friday, December 20, 1974, 9 a.m. until the conclusion of business. The Working Group will hear presentations by representatives of the AEC Reactor Safety Study Group and the Regulatory Staff and will hold discussions with this group pertinent to its review of matters related to the draft report on the Reactor Safety Study (WASH-1400).

In connection with the above agenda item, the Working Group will hold Executive Sessions, not open to the public, at approximately 8:30 a.m. and at the end of the day to consider matters related to the above review. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Working Group Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that 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). 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 and avoid undue interference with agency or Working Group operation.

Practical considerations may dictate alteration in the above agenda or schedule.

The Chairman of the Working Group 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 13, 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 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 AEC's field information offices in Albuquerque; Chicago; King of Prussia, Pennsylvania; Idaho Falls, Ida.; Las Vegas, Nev.; Grand Junction, Colo.; Oak Ridge, Tenn.; Richland, Wash.; San Francisco; Aiken, S.C.; Atlanta, and Denver.

(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 Working Group. To the extent that the time available for the meeting permits, the Working Group will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Working Group, between the hours of 10:30 a.m. and 12:30 p.m. on December 20, 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 18, 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 meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after December 23, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and within approximately nine days at various local public document rooms throughout the country. 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.

(i) 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 20, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-28308 Filed 12-3-74;8:45 am]

[Docket Nos. 50-269, 50-270, and 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendments No. 6, 6, and 3 to Facility Operating Licenses No. DPR-38, DPR-47, and DPR-55, respectively, issued to Duke Power Company which revised Technical Specifications for operation of the Oconee Nuclear Station, Units 1, 2, and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments include the Technical Specification changes required for the second fuel cycle operation of Oconee Unit 1.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

For further details with respect to this action, see (1) the application for amendments dated September 20, 1974, as supplemented October 8 and 31, 1974, (2) Amendments No. 6, 6, and 3 to Licenses No. DPR-38, DPR-48, and DPR-55, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oconee County Library, 201 South Spring Street, Walhalla, S.C. 29691.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 26th day of November 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors, Branch #1, Directorate of Licensing.

[FR Doc.74-28274 Filed 12-3-74;8:45 am]

[Docket No. 50-268]

GENERAL ELECTRIC CO.

Issuance of Commission Order Terminating Facility License for Possession Only No. CSF-2

By application notarized September 17, 1974, General Electric Company requested authorization to render the Midwest Fuel Recovery Plant (MFRP) inoperable in accordance with a plan therein submitted to the Atomic Energy Commission (the Commission) and, in addition, requested termination of Facility License for Possession Only No. CSF-2 (Facility License).

MFRP has never been licensed to operate as a reprocessing plant. On August 23, 1974, the Commission issued the Facility License and, thereafter, published in the FEDERAL REGISTER "Notice of Issuance of Facility License for Possession Only No. CSF-2" on September 6, 1974 (39 FR 32345). The Facility License provided for the termination of the provisional construction permit and authorized continuation of Special Nuclear Material Licenses Nos. SNM-1265 and SNM-1281, to the extent that General Electric could continue to (1) possess and store natural and depleted uranium presently at the facility; (2) receive, possess and store irradiated nuclear fuel elements; and (3) possess and use certain radioactive materials needed for instrument calibration and laboratory standards.

In accordance with the stipulation embodied in part E of the Facility License, the plan submitted to the Commission by General Electric to dismantle MFRP to render the plant inoperable included: (1) welding a quarter-inch thick stainless steel plate over the hatch at the transfer station in the Mechanical Cell; (2) welding an H-beam block to limit movement of the transfer arm used to transfer fuel from the basin to the Mechanical Cell; and (3) partially disassembling the hydraulic system used to move the transfer arm by draining the hydraulic fluid from the cylinders, disconnecting the cylinders from the transfer arm and capping the lines.

The Commission reviewed the application to dismantle in accordance with the provisions of 10 CFR Chapter I of the Commission's regulations and found that the dismantling plan for rendering the facility inoperable was in accordance with requirements of the license for possession only, could be implemented safely, provided no new potential for exposure to radiation, would not be inimical to the common defense and security or the health and safety of the public, and involved no significant hazards consideration. The basis for the findings was set forth in the Safety Evaluation Report (SER) by the Commission's Regulatory Staff which was issued concurrently with the "Notice of Intent to Issue Order Authorizing Dismantling of Facility to Render Inoperable" published in the FEDERAL REGISTER on November 5, 1974 (39 FR 39080). On November 21, 1974, the Commission issued an Order authorizing General Electric to implement the dismantling plan rendering MFRP inoperable as a fuel reprocessing facility.

On November 21, 1974, the General Electric Company notified the Commission that its plan to dismantle rendering MFRP inoperable as a reprocessing facility had been implemented and completed. On November 21, 1974, the Commission's Directorate of Regulatory Operations inspected the plant and determined that implementation of the dismantling plan had been completed by General Electric in accordance with the Commission's requirements set forth in the Dismantling Order.

Accordingly, the Commission has found that MFRP has been dismantled rendering the plant inoperable as a reprocessing facility in accordance with the Commission's regulations in 10 CFR Chapter I, and in a manner not inimical to the common defense and security or

the health and safety of the public, and that termination of the Facility License involves no significant hazards consideration. Therefore, on November 26, 1974, the Commission issued an Order terminating the Facility License and continuing in effect Special Nuclear Materials License Nos. SNM–1265 and SNM–1281, as amended and incorporated in paragraphs C and D of the Facility License.

The SER associated with the Dismantlement Order and the Commission's Directorate of Regulatory Operations' Inspection Report are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and at the Morris Public Library, 604 Liberty Street, Morris, Ill., or upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing—Regulation.

Date of Issuance: November 26, 1974.

For the Atomic Energy Commission.

RICHARD E. CUNNINGHAM,
Assistant Director, for Fuel Cycle, Directorate of Licensing.

[FR Doc.74–28269 Filed 12–3–74;8:45 am]

[Docket No. 50–268]

GENERAL ELECTRIC CO.

Order Terminating Facility License for Possession Only No. CSF–2

The Atomic Energy Commission (the Commission) has found that the Midwest Fuel Recovery Plant located near Morris, Ill., and authorized under Facility License for Possession Only No. CSF–2 (the Facility License) issued to the General Electric Company, has been dismantled (pursuant to the Commission's Order dated November 21, 1973) rendering the plant inoperable as a reprocessing facility in accordance with the Commission's regulations in 10 CFR Chapter I, and in a manner not inimical to the common defense and security or the health and safety of the public, and that termination of the Facility License involves no significant hazards consideration.

Therefore, pursuant to the application by General Electric dated September 17, 1974, and the Commission's regulations, the Facility License is hereby terminated as of the date of this Order. Special Nuclear Materials License Nos. SNM–1265 and SNM–1281, as amended and incorporated in paragraphs C and D of the Facility License, will continue in effect.

Date of Issuance: November 26, 1974.

For the Atomic Energy Commission.

RICHARD E. CUNNINGHAM,
Assistant Director for Fuel Cycle, Directorate of Licensing.

[FR Doc.74–28268 Filed 12–3–74;8:45 am]

[Docket Nos. STN 50–516 and STN 50–517]

LONG ISLAND LIGHTING COMPANY (JAMESPORT NUCLEAR POWER STATION UNITS 1 AND 2)

Supplemental Notice and Order Relative to Prehearing Conference

By Order dated November 7, 1974, the Board issued a notice of a prehearing conference on December 19, 1974. The document stated that time and place would be noticed later.

Take notice, the prehearing conference on December 19, 1974, will commence at 9:30 a.m. (local time) at the Auditorium, Riverhead Central School District, 700 Osborne Avenue, Riverhead, New York.

It is so ordered.

Issued at Bethesda, Maryland this 29th day of November 1974.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.74–28270 Filed 12–3–74;8:45 am]

[Docket No. 50–309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DPR–36 issued to Maine Yankee Atomic Power Company which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station, located in Lincoln County, Me. The amendment is effective as of its date of issuance.

This amendment increases the permissible linear power density and imposes safety liimts and limiting conditions for operation consistent with the new power density.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated August 30, 1974, and subsequent letter dated November 8, 1974, (2) Amendment No. 7 to License No. DPR–36, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545 and at the Wiscasset Public Library Association, High Street, Wiscasset, Me. 04578.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this November 26, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Directorate of Licensing.

[FR Doc.74–28273 Filed 12–3–74;8:45 am]

[Docket No. 50–323 (NEPA)]

PACIFIC GAS AND ELECTRIC CO. (DIABLO CANYON NUCLEAR POWER PLANT, UNIT NO. 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

William C. Parler, Chairman
Dr. Lawrence R. Quarles
Dr. W. Reed Johnson

Dated: November 27, 1974.

ROMAYNE M. SKRUTSKI,
Secretary to the Appeal Board.

[FR Doc.74–28272 Filed 12–3–74;8:45 am]

[Docket Nos. 50–500 and 50–501]

THE TOLEDO EDISON COMPANY, ET AL. (DAVIS-BESSE NUCLEAR POWER STATION, UNITS 2 AND 3)

Prehearing Conference

Take Notice that the Atomic Safety and Licensing Board will hold a prehearing conference in this proceeding on December 17, 1974, at 9:30 a.m., local time, at the Lucas County Courthouse, Court of Appeals Courtroom (4th Floor), Adams & Erie Streets, Toledo, Ohio. The purposes of this prehearing conference are to: (1) permit identification of the key issues in the proceeding; (2) take any steps necessary for further identification of the issues and (3) establish a schedule for further actions in the proceeding.

Members of the public may attend this prehearing conference as well as the evidentiary hearing which will be held at a later time to be fixed by the Board. However, members of the public who may wish to participate in the hearing by way of limited appearances will not be permitted to do so at the prehearing conference. Oral or written statements offered by way of limited appearances will be received by the Board at the time of the aforementioned evidentiary hearing.

Dated at Bethesda, Maryland, this 27th day of November, 1974.

ATOMIC SAFETY AND LICENSING BOARD,

EDWARD LUTON,
Chairman.

[FR Doc.74-28271 Filed 12-3-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Change in Meeting Agenda

NOVEMBER 29, 1974.

The December 5-7, 1974 meeting of the Atomic Energy Commission's Advisory Committee on Reactor Safeguards (published at 39 Fed. Reg. 40809, November 20, 1974) has the following changes to the previously announced agenda:

(a) *Zion Station Units 1 and 2* (open): This item will now be discussed on Thursday, December 5, 1974, from 4:30-6 p.m.

(b) *St. Lucie Plant Unit No. 2* (open): This item will now be discussed on Thursday, December 5, 1974, from 11 a.m.-12:45 p.m. and 1:45 p.m. to 4 p.m.

(c) *WASH-1400, Reactor Safety, An Assessment of Accident Risks in U.S. Commercial Nuclear Power Plants* (open): Friday, December 6, 1974, 5:15-7:15 p.m.

All other aspects of the November 20, 1974 Federal Register Notice remain unchanged.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-28367 Filed 12-3-74;8:45 am]

SPECIAL LASER FUSION ADVISORY PANEL

Meeting

DECEMBER 2, 1974.

The Atomic Energy Commission's Special Laser Fusion Advisory Panel will hold a meeting at 9 a.m. on December 19, 1974, at the AEC's office at 1717 H Street, Washington, D.C. The purpose of the meeting will be to continue the Panel's review of the relative roles of Government, industry, and the academic community in the United States laser fusion program as part of the process of formulating recommendations to the Commission concerning these roles. The Panel will also complete work on its report to the Commission. The meeting will be closed to the public.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that it is necessary to close the meeting to discuss information that is classified and falls within exemptions (1) and (3) of 5 U.S.C. 552(b), and to discuss information which is considered proprietary and falls within exemption (4) of 5 U.S.C. 552(b). Further, any nonexempt material that may be discussed during the meeting will be inextricably intertwined with discussion of the exempt material, and no separation of this material is considered practical.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-28366 Filed 12-3-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

BICYCLE REFLECTORS

Notice of Meeting

The Consumer Product Safety Commission gives notice that on December 10, 1974, representatives of the Commission will meet with Frank Case and other representatives of Sears, Roebuck, and Company. The meeting will begin at 9:30 a.m. in Room 801 of the Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Maryland.

The purpose of the meeting is to receive information concerning the applicability of the bicycle regulations published in the FEDERAL REGISTER on July 16, 1974 (39 FR 26100) to gravity-mount reflectors. Mr. Frank Case of Sears, requested the meeting. For further information, or to arrange attendance at this meeting, interested persons may contact Mr. Harvey Tzuker at (301) 496-7197.

Dated: November 29, 1974.

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

[FR Doc.74-28341 Filed 12-3-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 301-3; OPP-32000/148]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the Federal Register (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, D.C. 20460.

On or before February 3, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after February 3, 1975.

APPLICATIONS RECEIVED

EPA File Symbol 34746-R. Aervoe Chemical Co., Inc., PO Box 263, 416 Aldo Ave., Santa Clara CA 95050. FOAM KLEAN BATHROOM CLEANER DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.1%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.1%; Tetrasodium ethylenediamine tetraacetate 1.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3051-IN. Agricultural Products Co., Inc., PO Box 698, Mesquite NM 88048. AGCO PERTHANE 4 EC. Active Ingredients: 1,1 - Bis (ethylphenyl) - 2,2-dichlorethane 49.00%; Xylene Base Aromatic Petroleum Solvent 46.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8590-ULU. Agway, Inc., PO Box 1333, Syracuse NY 13201. AGWAY PRAMITOL 25E. Active Ingredients: Prometone (2,4 - bis[isopropylamino] - 6 - methoxy-s-triazine) 25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34858-A. Alladdin Laboratories Inc., 30 S. Ocean Ave., PO Box 569, Freeport NY 11520. ALLADDIN ALGAE & FUNGUS TREATMENT (FORMULA "G"). Active Ingredients: Sodium pentachlorophenate 8.69%; Sodium salts of other chlorophenols 1.21%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34858-U. Alladdin Laboratories, Inc. ALLADDIN ALGICIDE BRIQUETTES. Active Ingredients: Sodium pentachlorophenate 79%; Other sodium salts of chlorophenols 11%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34858–L. Alladdin Laboratories, Inc. ALLADDIN FUNGUS & SLIME TREATMENT (FORMULA "O"). Active Ingredients: N-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethylbenzyl ammonium chloride 2.94%; N-Alkyl (C12 50%, C14 30%, C16 17%, C18 3%) Dimethylethylbenzyl ammonium chloride 2.94%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8612–TI. B & G Co., 10539 Maybank, PO Box 20372, Dallas TX 75220. B & G CYTHION 50 CONCENTRATE. Active Ingredients: Malathion(0,0-Dimethyl Phosphorodithioate of diethyl mercaptosuccinate) 50.00%; Petroleum distillates 46.30%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 960–ROT. Balcom Chemicals, Inc., PO Box 667, Greeley CO 80631. CLEAN CROP HEPTACHLOR 3 EC. Active Ingredients: Heptachlor 32.1%; Related Ingredients 12.5%; Xylene 50.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 475–ROL. Boyle-Midway Inc., S. Ave. & Hale St., Cranford NJ 07016. SANIFLUSH BLUE BUBBLING ACTION FORMULA B. Active Ingredients: Sodium bisulfate 68.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 475–ROU. Boyle-Midway Inc., S. Ave. & Hale St., Cranford NJ 07016. SANIFOAM DISINFECTANT BATHROOM TUB/TILE CLEANER. Active Ingredients: N-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.0925%; N-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.0925%; Tetrasodium salt of ethylenediamine tetraacetic acid Dihydrate 1.9%; Sodium Metasylicate $5H_20$ 0.07%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2914–UL. Calgon Corp., PO Box 147, St. Louis MO 63166. CC–330 ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethylbenzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7173–RLL. Chempar Chemical Co., 260 Madison Ave., New York, NY 10016. FOUR-WAY ACTION INSECT KILLER. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 0.25%; Piperonyl butoxide, technical 0.80%; N-octyl bicycloheptene dicarboximide 0.40%; Petroleum distillate 8.05%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7960–RL. Continental Chemical Corp., 1439 Ash St., Terre Haute IN 47808. GERMISOLVE I. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 39–GE. Costello Mfg. Co., 704 N. 1st St., St. Louis MO 63102. COSTELLO PINE-AL. Active Ingredients: Vegetable Oil Soap 8.10%; Pine Oil 6.10%; Ortho-Benzyl-Para-Chloro-Phenol 3.41%; Isopropyl Alcohol 2.39%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10854–T. Environmental Control Systems, Inc., 409 Washington Ave., Baltimore MD 21204 S P–EXTRA DISINFECTANT. Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) dimethyl benzyl ammonium chlorides 4.50%; n-Alkyl (C12 68%; C14 32%) dimethyl ethylbenzyl ammonium chlorides 4.50%; Sodium carbonate 4.00%; Tetrasodium ethylenediamine tetraacetate 2.00%; Essential oils 0.40%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 279–EOOL. FMC Corp.; Agricultural Chem. Div., 100 Niagara St., Middleport NY 14105. PYRENONE PET & LIVESTOCK AQUEOUS INSECTICIDE CONCENTRATE. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical 5.0%; Petroleum Distillate 2.0%. Method of Support: Application proceeds under 2(c) interim policy.

EPA File Symbol 279–EOOA. FMC Corp., Agricultural Chem. Div., 100 Niagara St., Middleport NY 14105. CODE 920.0 PYRENONE 5.0100.5 & 25.0 E.C. REPELLENT INSECTICIDE. Active Ingredients: Pyrethrins 0.50%; Piperonyl Butoxide, Technical 5.00%; Butoxypolypropylene Glycol 25.00%; Petroleum distillate 59.83%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34965–R. Fox Enterprises, PO Box 211, Marion KY 42064. WILLIAMS SURE KILL ROACH KILLER. Active Ingredients: Boric Acid 50.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9198–GN. Free Flow Fertilizer Co., PO Box 119, Maumee OH 43537. TURF CARE FOR PROFESSIONAL LAWN MAINTENANCE 20–4–10 WITH 0.92% BENEFIN. Active Ingredients: N-Butyl-N-Ethyl -a,a-,a- trifluoro-2,6-Dinitro -p- Toluidine 0.92%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9198–GE. Free Flow Fertilizer Co. TURF CARE FOR PROFESSIONAL LAWN MAINTENANCE 38–0–0 WITH 0.92% DURSBAN. Active Ingredients: Chlorpyrifos (O,O-Dimethyl O-(3,5,6-Trichloro-2-Pyridyl) Phosphorothioate) 0.92%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9198–GR. Free Flow Fertilizer Co. TURF CARE PROFESSIONAL LAWN MAINTENANCE 30–10–0 WITH 0.92% DURSBAN. Active Ingredients: Chlorpyrifos (O,O-Diethyl O-(3,5,6-Trichloro-2-Pyridyl) Phosphorothioate) 0.92%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10583–T. General Control Co., Inc., 3334 E. Pennsylvania St., Tucson AZ 85714. CONTROL READY–TO–USE LAWN EDGER-TRIMMER. Active Ingredients: Sodium Cacodylate 0.6%; Dimethylarsinic Acid (Cacodylic Acid) 0.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34959–R. Hall Feed & Seed, 2523 Dakota Ave., S. Sioux City NB 68776. HALL RAT–BAIT. Active Ingredients: Warfarin (3-(a-acetonylbenzyl)-4-hydroxycoumarin) 0.025%. Method of Support: Applition proceeds under 2(c) of interim policy.

EPA File Symbol 10107–RG. Harris Serum & Supply Co., PO Box 410, McCook NB 69001. HARRIS DIAZINON SPRAY. Active Ingredients: O,O-diethyl O- (2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 25.0%; Aromatic petroleum derivative solvent 54.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2393–ETG. Hopkins Agricultural Chemical Co., PO Box 584, Madison WI 53701. HOPKINS FRUIT TREE SPRAY [FORMULA CHANGE]. Active Ingredients: Captan (N-trichloromethylthio-4-cyclohexene-1,2-dicarboximide) 10%; Malathion (O,O-dimethyl dithophosphate of diethyl mercaptosuccinate) 10%; Methoxychlor, Technical 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2693–RNR. International Paint Co., Inc., PO Box 386, Union NJ 07083. TRI-LUX VINYL-BASE PAINT ANTIFOULING PAINT 63 WIDE SPECTRUM LIGHT GREEN MARK I. Active Ingredients: Tributyltin Fluoride 13.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2693–RNE. International Paint Co., Inc., PO Box 386, Union NJ 07083. TRI-LUX VINYL-BASE PAINT ANTIFOULING PAINT 61 WIDE SPECTRUM LIGHT BLUE MARK I. Active Ingredients: Tributyltin Fluoride 13.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 35314–R. International Trade Services, Inc., PO Box 344, Willingboro NJ 08046. STRYCHNINE ALKALOID N.F.X. POWDER. Active Ingredients: Strychnine Alkaloid 99.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 61–RAA. Koppers Co., Inc., 1401 Koppers Bldg., Pittsburgh PA 15219. KOPPERS PENTA TECHNICAL PENTACHLOROPHENOL. Active Ingredients: Pentachlorophenol 85%; Other chlorophenols 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 18433–U. Lee Chemical Corp., 2800 Taft Ave., Orlando FL 32804. LL–7 SUPER RESIDUAL SPRAY. Active Ingredients: Petroleum Distillates 99.025%; 0,0 Diethyl 0-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.500%; N-Octyl bicycloheptene dicarboximide 0.250%; Piperonyl Butoxide, Technical 0.150%; Pyrethrins 0.075%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 18433–G. Lee Chemical Corp. LEE FOG MASTER. Active Ingredients: Petroleum Distillate 98.42%; N-Octyl Bicycloheptene Dicarboximide 0.830%; Piperonyl Butoxide, Technical 0.500%; Pyrethrins 9.250%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 18433–E. Lee Chemical Corp. LL–5 INSECTICIDE. Active Ingredients: Petroleum distillate 99.181%; N-Octyl bicycloheptene dicarboximide 0.431%; Technical Piperonyl Butoxide 0.259%; Pyrethrins 0.129%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13938–R. Lever Bros. Co., Indus. Div., 390 Park Ave., New York NY 10022. LEVER PROFESSIONAL SUPER TOILET BOWL CLEANER. Active Ingredients: N-Alkyl (C12 40%; C14 50%, C16 10%) Dimethyl Benzyl Ammonium Chlorides 0.05%; Bis (Tributyltin) Oxide 0.01%; Hydrogen Chloride 23.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10727–E. Monsey Products Co., Cold Stream Rd., Kimberton PA 19442. GUARDSEAL CREOSOTE WOOD PRESERVING COMPOUND (DARK). Active Ingredients: Coal Tar Creosote 30%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 10659–8. Occidental Chemical Co., PO Box 1185, Houston TX 77001. OXY COP 8L. Active Ingredients: Copper, Metallic (from Copper Ammonium Carbonate) 8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7001–ROU. Occidental Chemical Co., PO Box 198, Lathrop CA 95330. SEVIMOL 4. Active Ingredients: Carbaryl (1-naphthyl methylcarbamate) 40.38%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7001–ENO. Occidental Chemical Co., PO Box 198, Lathrop CA 95330. DURSBAN 1G GRANULAR INSECTICIDE FOR CONTROL OF MOSQUITO LARVAE. Active Ingredients: 0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate 1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1258–889. Olin Corp., Agricultural Div., PO Box 991, Little Rock AR 72203. OMACIDE—645 INDUSTRIAL MICROBIOSTAT. Active Ingredients: Zinc 2-pyridinethiol 1-Oxide 20; 4'5-Dibromosalicylanilide 36%; 3, 4'5-Tribromosalicylanilide 36%; Other bromated salicylanilides 7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9610–I. Poolmaster, Inc., 160 Jefferson Dr., Menlo Park CA 94025. POOLMASTER DRY CHLORINE CONCENTRATE II. Active Ingredients: Sodium Dichloro-s-triazinetrione Dihydrate 98%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8503–O. Products Chemical Co., 3045 E. 87th St., Cleveland OH 44104. CLING & CLEAN AMAZING TRIPLE ACTION TOILET BOWL CLEANER. Active Ingredients: Hydrogen Chloride 9.45%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34737–E. Provident Pest Control, 192 Ave. S., Brooklyn NY 11223. PUFF—THE MAGIC ROACH KILLER FORMULA II INSECTICIDE DUSTING POWDER PYRETHRUM .9%. Active Ingredients: Pyrethrins 0.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 201–GAO. Shell Chemical Co., A Div. of Shell Oil Co., Agricultural Div., Suite 200, 1025 Conn. Ave., N.W., Washington DC 20036. VENDEX 50 WETTABLE POWDER MITICIDE. Active Ingredients: Hexakis (beta, beta-dimethylphenethyl)-distannoxane 50%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 11849–14. Silak Co., Inc., PO Box 173, Hospers IA 51238. SILAK 3% RABON LIVESTOCK DUST. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11682–EE. J. R. Simplot Co., Minerals & Chem. Div., PO Box 912, Pocatello ID 83201. SIMPLOT SOILBUILDERS VIDDEN D SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene, 1,2-Dichloropropane, and related chlorinated aliphatics 99.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 35208–R. Space Age Chemicals, 11214 Greenstone, Santa Fe Springs CA 90670. SANITIZER—DISINFECTANT #401. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 35208–E. Space Age Chemicals. HARD SURFACE CLEANER #216. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 35208–G. Space Age Chemicals. HOUSEHOLD CLEANER #232. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 35208–L. Space Age Chemicals. SWIMMING POOL ALGAECIDE #301. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 35208–U. Space Age Chemicals. HOSPITAL & INSTITUTIONAL CLEANER #245. Active Ingredients: n-Alkyl (60% C12, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33404–A. Stat Enterprises Inc., 1865 New Hwy., Farmingdale NY 11735. BUCCANEER GRANULAR WEED KILLER. Active Ingredients: Bromacil (5-Bromo-3-sec-butyl-6-methyluracil) 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6023–GU. Stoker Co., PO Box 2010, El Centro CA 92243. MALATHION PERTHANE E.C. 4-4. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate 44.52%; Diethyldiphenyl dichloroethane 42.30%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34851–E. Union Oil of Calif., Amsco Div., PO Box 100, Paletine IL 60067. YARMOR 302W PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34851–G. Union Oil of Calif. HERCO PINE OIL. Active Ingredients: Pine oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34851–R. Union Oil of Calif. YARMOR 302 PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 7401–192. Voluntary Purchasing Groups, Inc., PO Box 460, Bonham TX 75418. NEW! SYSTEMIC AND CONTACT ACTION FERTILOME WEED & FEED SPECIAL. Active Ingredients: Simazine (2-Chloro - 4,6 - bis - (ethylamino) -s-triazine) 0.23%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 25023–U. Schick Safety Razor Co., Div. of Warner-Lambert Co., Milford CT 06460. SCHICK FRESH AIR REFILL AIR SANITIZER. Active Ingredients: Triethylene glycol 5.0%; Dipropylene glycol 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11656–GG. Western Farm Service, Inc., 2401 Crow Canyon Rd., San Ramon CA 94583. WESTERN FARM SERVICE CHLORDANE 10 GRANULAR (SOIL INSECTICIDE). Active Ingredients: Technical Chlordane 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11656–GL. Western Farm Service, Inc. CHLORDANE 5 GRANULAR. Active Ingredients: Technical Chlordane 5.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11656–GU. Western Farm Service, Inc. CHLORDANE 8 E AGRICULTURAL INSECTICIDE. Active Ingredients: Chlordane Technical 72.0%; Aromatic petroleum derived solvent 21.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 35138–G. Winco Chemical Co., PO Box 104, Jackson MS 39205. WINCO NO. 2 E.C. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 2.000%; Related compounds 0.274%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 35138–U. Winco Chemical Co., PO Box 104, Jackson MS 39205. WINCO MOSQUITO FOG. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl - 3 - (2-methylpropenyl) cyclopropanecarboxylate 4.22%; Related compounds 0.57%; Aromatic petroleum hydrocarbons 5.59%; Mineral Oil 89.45%. Method of Support: Application proceeds under 2(c) of interim policy.

Republished Items

The following items represent a correction in the list of Applications Received published in the Federal Register November 14, 1974 (39 FR 40190).

EPA File Symbol 991–EO. Camie-Campbell, Inc., 925 Watson Industrial Park, St. Louis MO 63126. PLEASANTLY SCENTED CAMICIDE TWO IN ONE INDUSTRIAL STRENGTH FLYING AND CRAWLING INSECT KILLER. Correction to Active Ingredients: Pyrethrins 0.50% rather than 0.05% as published.

EPA Reg. No. 1386–559. Universal Cooperatives, Inc., 111 Galmorgan St., Alliance OH 44601. UNICO BAN AMINE WEED KILLER. Correction to Active Ingredients: Pyrethrins 0.50% rather than (3,6-dichloro-o anisic acid) 15.3% rather than 153% as published.

EPA File Symbol 10367–A. N.I. Weinberg Co., 17th & Walnut, Louisville KY 40203. STAPH CLEAN DISINFECTANT CLEANER. Omissions made in the Active Ingredients at time of publication. Correction to Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 2.50%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.25%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide 1.25%; Isopropanol 0.63%; Sodium carbonate 2.00%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.38%.

Dated: November 26, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74–28180 Filed 12–3–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16070]

COMMUNICATIONS SATELLITE CORP.

Investigation Into Charges, Practices, Classifications, Rates and Regulations; Extension of Time

1. By Petition dated November 14, 1974, the Trial Staff of the Common Carrier Bureau (Trial Staff), the Communications Satellite Corporation (Comsat), American Broadcasting Companies, Inc., CBS, Inc., National Broadcasting Company, Inc., and ITT World Communications, Inc. petitioned the Commission to amend its Memorandum Opinion and Order released August 9, 1974 (48 F.C.C. 2d 86; 39 FR 14376) by setting January 15, 1975 as the last date for filing proposed findings and conclusions and February 28, 1975 as the last date for filing reply findings and briefs in the above-captioned matter. The aforementioned Order had established a closing date of February 1, 1975 for proposed findings and conclusions, briefs, and replies.

2. In support of their request the aforementioned parties point out that the recent personnel changes that have occurred in the Trial Staff have required persons totally unfamiliar with this case to assume the major responsibility for preparation of the proposed findings and conclusions. In view of the extensive record, the Trial Staff states it has been required to devote considerable time to a review of the case and will therefore be unable to begin preparation of replies and briefs until after the date set for filing of proposed findings and conclusions. In addition, the other petitioner parties believe that a 60 day period is insufficient adequately to prepare the required documents.

3. We believe that the parties have showed good cause for the requested extension, and that granting such an extension will enable them to prepare more comprehensive documents.

4. *Accordingly, it is ordered,* pursuant to § 0.303(c) of the Commission's rules, that the Memorandum Opinion and Order in the above-captioned matter, 48 F.C.C. 2d 86 (1974), is amended to allow proposed findings and conclusions to be filed no later than January 15, 1975, and briefs and replies no later than February 28, 1975.

Adopted: November 25, 1974.

Released: November 27, 1974.

[SEAL] WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.74-28293 Filed 12-3-74;8:45 am]

[Docket Nos. 19528; 20003]

INTERSTATE AND FOREIGN MESSAGE TOLL TELEPHONE SERVICE AND WIDE AREA TELEPHONE SERVICE

Extension of Time

In the matter of proposals for new or revised classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS), Docket No. 19528, 39 FR 37422.

In the matter of economic implications and interrelationships arising from policies and practices relating to customer interconnection, jurisdictional separations and rate structures, Docket No. 20003.

1. We have before us for consideration a Request For Extension of Time filed November 19, 1974, on behalf of the Computer and Business Equipment Manufacturers Association (CBEMA) to file a reply to comments concerning its Motion For Separation of Issues and For Order Authorizing Program of Direct Interconnection of Customer-Owned Data Communication Terminal Equipment and Ancillary Telephone Equipment. CBEMA contends that it requires additional time to complete a meaningful reply to the many comments filed concerning its motion and requests that the time for reply be extended to December 10, 1974.

2. We noted in our order, released October 9, 1974, granting the North American Telephone Association's request for an extension of time to file comments that CBEMA's Motion raises serious questions and that meaningful comments would be helpful in this matter. We believe also that adequate time should be afforded CBEMA to respond to the many comments filed and since the time sought is not unreasonable we will grant CBEMA's request.

3. Accordingly, good cause having been shown; *it is ordered* That the CBEMA's Request For Extension of Time Is Granted and that the time for filing a reply to the comments concerning its motion Is Extended until and including December 10, 1974. This action is taken pursuant to the authority delegated in § 0.303(c) of the Commission's rules.

Adopted: November 21, 1974.

Released: November 22, 1974.

[SEAL] WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.74-28294 Filed 12-3-74;8:45 am]

[FCC 74-1256; Docket Nos. 20250, 20251; File Nos. 5468-C2-P-(2)-70; 1983-C2-P-70]

RADIOFONE AND SOUTH CENTRAL BELL TELEPHONE CO.

Construction Permits Establishing New Air Ground Facilities; Applications for Consolidated Hearing on Stated Issues

1. The Commission has before it for consideration the above-captioned applications to establish new air-ground radiotelephone service facilities to operate on 454.675, 454.850 and 454.925 MHz in the Domestic Public Land Mobile Radio Service (DPLMRS) at New Orleans, Louisiana.

2. It appears from the application of James D. and Lawrence D. Garvey (d/b/a Radiofone) (hereinafter "Radiofone") that it is a partnership whose address is 2937 Bruxelles St., New Orleans, Louisiana (Docket No. 20250; File No. 5468-C2-P-(2)-70). South Central Bell is a corporation with its principal offices at 600 North 19th Street, Birmingham, Alabama. South Central is a Bell System operating company whose stock is owned entirely by the American Telephone and Telegraph Company (Docket No. 20251; File No. 1983-C2-P-70).

3. The applications are mutually exclusive, because the grant of both 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. FCC, 326 U.S. 327 (1945).

4. 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 James D. and Lawrence D. Garvey, d/b/a Radiofone, and South Central Bell Telephone Company are designated for hearing in a consolidated proceeding upon the following issues:

1. To determine on a comparative basis the nature and extent of services proposed by each applicant.

2. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the above-captioned applicants would better serve the public interest, convenience and necessity.

5. *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.

6. *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 (20) 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 19, 1974.

Released: November 29, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-28291 Filed 12-3-74;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1339]

DENTON SHIPPING CORP.

Order of Revocation

On November 18, 1974, the Federal Maritime Commission received notification that Denton Shipping Corporation, 924 SW 75th Avenue, Miami, Florida 33144 wishes to voluntarily surrender its

[1] Commissioner Robinson absent.

Independent Ocean Freight Forwarder License No. 1339 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 1339 be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1339 of Denton Shipping Corporation be and is hereby revoked effective November 18, 1974, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Denton Shipping Corporation.

ROBERT S. HOPE,
Managing Director.

[FR Doc.74-28326 Filed 12-3-74;8:45 am]

[Independent Ocean Freight Forwarder License No. 529]

PHOENIX SHIPPING CO., INC.

Order of Revocation

On November 14, 1974, the Federal Maritime Commission received notification that Phoenix Shipping Co., Inc., 105 Washigton Street, New York, New York 10006 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 529 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 529 be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 529 be and is hereby revoked effective November 14, 1974, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Phoenix Shipping Co., Inc.

ROBERT S. HOPE,
Managing Director.

[FR Doc.74-28325 Filed 12-3-74;8:45 am]

MARITIME SERVICE CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 16, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John Mason, Esq.
Ragan & Mason
The Farragut Building
900 Seventeenth Street, N.W.
Washington, D.C. 20006

Agreement No. DC-79 is a cooperative working agreement which provides for the continuation of the Maritime Service Corporation (MSC), the purposes of which are to perform the billing, collecting and enforcing of demurrage accrued pursuant to tariffs filed in the Puerto Rico ocean carriage trade.

MSC was originally established by the Puerto Rico Ocean Service Association (PROSA) which was authorized by Agreement No. DC-38, conditionally approved by the Commission on April 2, 1969, for a period of 24 months and approved for a further period of one year from January 24, 1974.

Inasmuch as the common carrier services operated by the parties to PROSA between U.S. Atlantic and Gulf ports and Puerto Rico have been terminated, the authorities granted under Agreement No. DC-38 are no longer necessary or useful, except for the maintenance of MSC. The members of PROSA have, therefore, requested the Commission to approve Agreement No. DC-79, and concurrently withdraw approval of Agreement No. DC-38.

By Order of the Federal Maritime Commission.

Dated: November 29, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-28324 Filed 12-3-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-136; PGA75-1]

FLORIDA GAS TRANSMISSION CO.

Proposed Changes in Rates and Charges

NOVEMBER 26, 1974.

Take notice that on November 15, 1974, Florida Gas Transmission Company (Florida Gas) tendered for filing Seventh Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1, containing changes in rates in its Rate Schedules G and I for effectiveness on January 1, 1975. The changes in rates result from the application of the purchased gas cost adjustment provision in Section 15, General Terms and Conditions of the tariff, which was approved by the Commission in Docket No. RP72-136.

Florida Gas has incorporated this change in its G and I rates in Docket No. RP75-1 which were filed July 1, 1974 and suspended until January 1, 1975.

A comparison between the Docket No. RP75-1 rates and those to be made effective on January 1, 1975 under this filing is as follows:

[Cents per therm]

	Docket No. RP75-1, as filed	To become effective Jan. 1, 1975
	Cents	*Cents*
Rate Schedule G	7.261	7.276
Rate Schedule I	5.871	5.886

The annual effect on the proposed changes is $110,000 based on sales for the twelve months ended September 30, 1974.

Florida Gas states that a copy of its filing has been served upon all customers purchasing gas under its FPC Gas Tariff, Original Volume No. 1 and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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 and 1.10). All such petitions or protests should be filed on or before December 19, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-28284 Filed 12-3-74;8:45 am]

[Project No. 2426]

CALIFORNIA DEPARTMENT OF WATER RESOURCES AND LOS ANGELES DEPARTMENT OF WATER AND POWER

Availability of Staff Draft Environmental Impact Statement

Notice is hereby given in the captioned Project, that on November 29, 1974, as required by § 2.81(b) of Commission Order No. 415-C, a draft environmental impact statement prepared by the Staff of the Federal Power Commission was made available for comments. This statement deals with the environmental impact of an application for license for the

partially constructed California Aqueduct Project No. 2426, located in Alameda, Contra Costa, Fresno, Kern, Kings, Los Angeles, Merced, Riverside, San Bernardino, San Joaquin, San Luis Obispo and Stanislaus Counties, California.

This statement has been circulated for comments to Federal, State and local agencies, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and at its San Francisco Regional Office located at 555 Battery Street, San Francisco, California 94111.

Any person who wishes to do so may file comments on the staff draft statement for the Commission's consideration. All comments must be filed on or before January 13, 1975.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to § 1.8 of the Commission's rules of practice and procedure. Petitioners must also file timely comments on the draft statement in accordance with § 2.81(c) of Order No. 415–C.

All petitions to intervene must be filed on or before January 13, 1975.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–28286 Filed 12–3–74;8:45 am]

[Project No. 1494]

GRAND RIVER DAM AUTHORITY

Order Amending Order To Show Cause

NOVEMBER 26, 1974.

On August 3, 1973, we issued to the Grand River Dam Authority an Order To Show Cause why the Commission should not require that the use of an effluent holding pond should not cease pending receipt of a Water Quality Certification under section 401(a)(1) of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1341, and why the effluent holding pond should not be removed from project land or be rebuilt in accordance with a further Commission order, after notice and opportunity for hearing. It appears the effluent holding pond receives treated effluent from a package treatment plant, serves as a holding pond for untreated effluent in the event the treatment plant becomes inoperative, and was constructed on project lands of the Pensacola Project No. 1494 without approval or permission from this Commission.

In a letter dated August 30, 1973, the Grand River Dam Authority stated that the Shangri La Lodge's owner, who maintained this effluent holding pond, had proposed to reconstruct this pond on non-project land, to run a proposed line across project lands from the treatment plant to the reconstructed pond, and to discharge the treated sewage into the project reservoir through an existing effluent line. Grand River Dam Authority further alleged that, since the Grand River was a non-navigable body of water above the town of Fort Gibson, Oklahoma, no Water Quality Certification pursuant to section 401(a)(1) of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1341, was required for the discharge of treated sewage into the project reservoir.

It appears to the Commission that the effluent holding pond is in the process of being removed from project property. However, there are two lines involved in this area: a proposed line from the treatment plant to the reconstructed pond and the effluent line from the treatment plant into the project reservoir. No application requesting Commission approval of the existing effluent line across project lands has been filed. Licensee filed a request with the Commission's Regional Office by letter dated October 22, 1973, for permission to cross project lands with the proposed line from the treatment plant to the proposed reconstructed pond on non-project land. However, such request did not comply with the Commission's rules and regulations as to substance or form.

No water quality certification has been filed for the discharge of treated sewage into the project reservoir. It appears that such certification is required before we should act on an application involving this sewage treatment facility. Further, it appears that a discharge permit (NPDES Permit) pursuant to section 402 of the Federal Water Pollution Control Act Amendments of 1972 should be filed.

The Commission hereby orders that the Grand River Dam Authority shall, under oath, show cause, if any there be, on or before December 10, 1974:

(1) Why the discharge of treated effluent into project waters should not cease pending further order of the Commission and receipt of a Water Quality Certification under section 401(a)(1) and an NPDES Permit under section 402 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1341, 1342; and

(2) Why the existing effluent line across project lands should not be removed from project land or be rebuilt in accordance with a further Commission order, after notice and opportunity for hearing; and

(3) Why the proposed line running from the treatment plant to the proposed reconstructed pond on non-project lands should not be placed on non-project lands or be built on project lands in accordance with a further Commission order after notice and opportunity for hearing;

(4) Why the Commission should not issue such other and further order as it may find appropriate, expedient and in the public interest to conserve and utilize the water resources of the region.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–28277 Filed 12–3–74;8:45 am]

[Docket No. RP72–140; PGA 75–3]

GREAT LAKES GAS TRANSMISSION CO.

Proposed Changes in FPC Gas Tariff Under Purchased Gas Adjustment Clause Provisions

NOVEMBER 26, 1974.

Take notice that Great Lakes Gas Transmission Company (Great Lakes), on November 13, 1974, tendered for filing Fourteenth Revised Sheet No. 57 (Thirteenth Revised PGA–1) to its FPC Gas Tariff, First Revised Volume No. 1, proposed to be effective January 1, 1975.

Great Lakes states that its sole supplier of natural gas, TransCanada Pipe Lines Limited (TransCanada), will increase the rates for gas purchased by Great Lakes effective January 1, 1975. Great Lakes states that the increase is the result of the National Energy Board of Canada's orders issued October 1, 1974, amending TransCanada's Licenses for the export of natural gas to Great Lakes by establishing that the price to be received for the gas to be exported shall be not greater than and not less than $1.00 in Canadian currency per Mcf of one thousand British Thermal Units per cubic foot equivalent gas at a temperature of 60 degrees Fahrenheit and a pressure of 14.73 pounds per square inch absolute adjusted on the ratio of the actual BTU content per cubic foot to 1,000 BTU per cubic foot.

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 20, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–28280 Filed 12–3–74;8:45 am]

[Docket No. E–8547]

MISSOURI EDISON CO.

Filing of Settlement Agreement

NOVEMBER 26, 1974.

Take notice that on November 19, 1974, Missouri Edison Company (Mo Ed) tendered for filing a Settlement Agreement in this proceeding and a motion to certify the settlement to the Commission for approval. The settlement agreement provides for settlement of all issues arising in this rate proceeding.

Mo Ed states that the sole party affected by the proposed rate change is the City of Clarksville, Missouri. Mo Ed further states that the settlement is based

on the settlement approved by the Commission in Union Electric Company, Docket No. E–8215, order issued September 4, 1974.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before December 11, 1974. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–28278 Filed 12–3–74;8:45 am]

[Docket No. CP74–292]

INTERSTATE TRANSMISSION ASSOCIATES, ET AL.

Supplement to Application

NOVEMBER 26, 1974.

Take notice that on November 15, 1974, Interstate Transmission Associates (Arctic), Pacific Interstate Transmission Company, 720 West Eighth Street, Los Angeles, California 90017, and Northwest Energy Company, 315 East Second South, Salt Lake City, Utah 84111 (collectively referred to as Applicant) filed in Docket No. CP74–292 a supplement to an application filed on May 14, 1974, in the subject docket pursuant to section 7(c) of the Natural Gas Act, through which supplement Applicant (1) changes the diameter of the proposed pipeline, the number and location of proposed metering stations, the number and location of proposed compressor stations, and proposed total standard installed horsepower, (2) offers updated exhibits C (company officials), F (location of facilities), G. (flow diagrams), and Z–1 (environmental report), to the application, and (3) initially presents data on the cost of the proposed facilities (exhibit K), all as more fully set forth in the supplement which is on file with the Commission and open to public inspection.

By its application of May 14, 1974, Applicant sought authorization to construct and operate, as a contract carrier of natural gas, an 877-mile gas transmission system, as one in a series of interrelated projects, to make available to markets in the lower 48 states volumes of natural gas from northern Alaska and the Mackenzie Delta Region of northern Canada. Applicant had proposed construction and operation, inter alia, of a 42-inch pipeline approximately 373 miles in length from a point near Kingsgate, British Columbia, to Rye Valley, Oregon, a 36-inch pipeline approximately 504 miles in length from Rye Valley to Oasis, California, 11 compressor stations comprising a total of 249,350 standard installed horsepower, and 4 meter stations. Through these proposed facilities Applicant intended to transport up to a maximum design capacity of 1,900,000 Mcf of gas per day at 14.73 psia.

Applicant now proposes to construct the 877-mile pipeline with 36-inch pipe for approximately 284 miles from Kingsgate to Meacham, Oregon, and 30-inch pipe for the remaining 593 miles to Oasis. Applicant states that the reduced pipeline size will effect a concommitant reduction in maximum design capacity of the line to 1,199,840 Mcf of gas per day. As a consequence of the reduced volumes of gas transported, Applicant also proposes to reduce the number of metering stations to 3, the number of compressor stations to 10 and the standard installed horsepower to 169,500.

Of the approximate 1,200,000 Mcf of gas per day deliverability, Applicant states that it will deliver approximately 240,000 Mcf per day to Northwest Pipeline Corporation at Meacham and approximately 935,000 Mcf per day to Southern California Gas Company at Oasis, and that approximately 25,000 Mcf per day will be used as fuel for gas turbines at the proposed 10 compressor stations along the proposed pipeline.

Applicant projects that construction of the proposed pipeline and its associated facilities will commence in the fall of 1977 and will require approximately 12 months. Delivery of the gas will begin upon completion and testing of the line and its facilities. The volumes received will increase each successive year until the fifth year, with average daily deliveries of about 333,000, 867,000, 933,000, 1,067,000, and 1,200,000 Mcf of gas for each successive year.

Applicant estimates that the direct costs of the proposed facilities will total $598,707,000 (based on last-half-1974 costs and without provision for escalation), consisting of $226,182,000 for the 36-inch line and related facilities and $372,525,000 for the 30-inch line and related facilities.

Any person desiring to be heard or to make any protest with reference to said supplement should on or before December 16, 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. Any person who has heretofore filed a protest or petition to intervene need not file again.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–28285 Filed 12–3–74;8:45 am]

[Docket Nos. E–7795, E–7989]

PHILADELPHIA ELECTRIC CO.

Extension of Procedural Dates

NOVEMBER 26, 1974.

On November 19, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 4, 1974, as most recently modified by notice issued August 5, 1974, in the above-designated matter. The motion states that no party objects to the change.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Staff Service Date, January 21, 1975.
Intervenor Service Date, February 11, 1975.
Company Rebuttal Service Date, February 25, 1975.
Hearing, March 11, 1975 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74–28275 Filed 12–3–74;8:45 am]

[Project No. 516; Docket No. E-7791]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Order To Show Cause

NOVEMBER 26, 1974.

It appearing to the Commission that:

(a) On September 10, 1973, we issued an order (50 FPC 700) in this docket partially approving an application by South Carolina Electric and Gas Company, Licensee for the Saluda Project No. 516, to grant an easement to the Watergate Partnership to construct an effluent line for discharging into Lake Murray, the project reservoir. In that order we further decided that a hearing should be held upon the unapproved portion of the above-mentioned application

> * * * so that it may be considered together with other applications on file relating to Lake Murray, such as * * *, and any additional applications of a similar nature. 50 FPC at 703.

(b) By letter dated April 9, 1974, from the South Carolina Department of Health and Environmental Control (DHEC) to the Secretary of the Commission we were informed that there exist four point source discharges into Lake Murray which have received DHEC permits. Only one of these, the above-mentioned Watergate Partnership, is currently the subject of an application to the Federal Power Commission for such discharge. Other named holders of DHEC discharge permits are the Lake Murray Family Campground, the Crystal Lake Campground and Lake Lodge Village.

(c) On July 9, 1974, during a prehearing conference in Washington, D.C., called pursuant to our order of September 10, 1973, Counsel for Licensee were referred to the above-noted letter and the fact that such discharges were apparently taking place without our previous knowledge or approval. Staff Counsel requested that Licensee submit information concerning these discharges because such data would be relevant to the

hearing established by our September 10, 1973, order. Staff Counsel also stated that this information should be included within license amendment applications for these discharges, if Licensee determined that they were in fact taking place, into Lake Murray.

(d) On October 2, 1974, during a field trip to the project area Staff members observed the above-named holders of DHEC discharge permits while in the company of personnel of Licensee.

(e) To date Licensee has not filed any information on the presumed discharges from the Lake Murray Family Campground and the Crystal Lake Campground, nor has it filed application to permit such discharges into Lake Murray.

The Commission upon its own motion, orders that South Carolina Electric and Gas Company shall under oath show cause, if any there by, within 60 days of the issuance of this order:

(1) Why we should not order it to immediately end all discharges into Lake Murray by the Lake Murray Family Campground, the Crystal Lake Campground and the Lake Lodge Village; and

(2) Why we should not order it either to permanently end these discharges or in the alternative to file applications for amendment of license to permit said discharges; and

(3) Why we should not order it to file with the Commission any water quality data or other information it has relating to these discharges as pertains to the hearing we ordered on September 10, 1973.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-28287 Filed 12-3-74;8:45 am]

[Docket No. RP75-34 [1]]

TEXAS EASTERN TRANSMISSION CORP. (SOMERSET GAS SERVICE)

Petition for a Declaratory Order

NOVEMBER 26, 1974.

Public notice is hereby given that on November 15, 1974, Somerset Gas Service of Somerset, Kentucky (Somerset) filed a petition for a declaratory order pursuant to § 1.7(c) of the Commission's rules of practice and procedure. Somerset requests that the Commission issue an order declaring that an emergency exists on its distribution system and authorizing its sole supplier, Texas Eastern Transmission Corporation (TETCO) to transport natural gas to Somerset pursuant to § 2.68 of the Commission's regulations.

On November 13, 1974, Somerset entered into a contract with another TETCO customer, United Cities Gas Company (United Cities), under which United Cities agreed to sell to Somerset 150,000 Mcf of natural gas. The gas is available to United Cities by virtue of production from its own local wells. United Cities intends to increase its takes from the local wells by 150,000 Mcf and back off by the same amount in its takes from TETCO. Somerset has agreed to pay United Cities the sum of $140,000 for the gas and to pay TETCO the commodity charges for the gas applicable to Somerset in TETCO's Zone C.

The contract between United Cities and Somerset is conditioned upon the agreement of TETCO to transport the gas and the approval of the sale by this Commission.

United Cities has informed Somerset that it is only willing to make the sale at this time.

TETCO has informed Somerset and United Cities that it is uncertain whether Somerset's situation constitutes an "emergency" within the ambit of § 2.68 of the regulations, and is unwilling to transport the 150,000 Mcf from United Cities to Somerset without authorization from the Commission.

Somerset has an Annual Quantity Entitlement (AQE) of 1,680,721 dekatherms (dth).[2] Based on actual sales to Somerset by TETCO in September and October, 1974, and on projected sales from November 1974 through August 1975, Somerset is likely to receive a curtailment of 534,846 dth below its AQE. Somerset states that because of TETCO's curtailment, it will be forced to curtail priority-of-service category 2 loads, curtail its industries at a rate which may make it impossible for them to operate, and that it may exhaust its AQE prior to end of the curtailment year.

Any person desiring to be heard or to make protest with reference to said petition should on or before December 11, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-28283 Filed 12-3-74;8:45 am]

[Docket No. RP75-16-2]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Granting Intervention, Denying Extraordinary relief, Pendente Lite, Providing for Hearing and Prescribing Procedures

NOVEMBER 26, 1974.

On October 16, 1974, Farmers Chemical Association, Inc. (FCA) filed a petition for permanent and interim extraordinary relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure from the curtailment provisions of its sole supplier of natural gas, North Carolina Natural Gas Corporation (NCNG). Notice of FCA's petition was issued on October 18, 1974 (39 FR 38729). On October 29, 1974, NCNG filed a petition for temporary extraordinary relief from the curtailment provisions of its sole supplier, Transcontinental Gas Pipe Line Corporation (Transco) on behalf of FCA. Applicant (NCNG) seeks an order directing Transco to deliver to NCNG 5,400 Mcf per day of gas in addition to volumes now expected to be provided by Transco so that NCNG may deliver to FCA at its Tunis, North Carolina plant an average of 32,700 Mcf per day of gas for a total of 4,937,700 of gas for the entire 151 day 1974–1975 winter period with daily peak requirements not exceeding 35,000 Mcf per day to serve FCA's requirements.

Applicant states that these gas volumes are required in order to enable FCA to continue its nitrogen fertilizer operations by the use of natural gas as a feedstock and process fuel, for which no alternative fuels are technically feasible, and as a boiler fuel. Applicant states that in order to forestall irreparable injury to FCA, the farmers served by FCA, and the general public, it requests interim relief be granted during the pendency of the above petition.

Applicant states that it has a firm noninterruptible 20 year contract with FCA for the sale of up to 50,000 Mcf per day of natural gas. Applicant claims that because it is expected to be curtailed by Transco, its sole supplier, at a level in excess of 35 percent in the 1974–1975 winter, it is unable to assure FCA that it will be able to provide FCA's Priority 2 (feedstock and process) needs. Moreover, Applicant alleges that none of FCA's Priority 5 needs (boiler fuel) will be provided. As a result of a curtailment plan promulgated by the North Carolina Utilities Commission, Applicant states that it will be unable to provide minimum volumes to maintain FCA's existing production levels or even to keep the Tunis plant in operation.

In its supplement to its petition for extraordinary relief filed November 7, 1974, NCNG states that the North Carolina Utilities Commission issued an order allowing any extraordinary relief granted by the Commission to "flow-through" to FCA.

By telegram issued November 15, 1974, the Secretary of the Commission informed NCNG that its petition for extraordinary relief filed October 29, 1974, did not contain the minimal information required by § 2.78(a)(ii)(k) of the Commission's rules. Additionally, this telegram inquired whether NCNG or FCA had sought relief from the North Carolina Utilities Commission (NCUC) and if so what disposition was made by the NCUC.

NCNG responded on November 18, 1974. NCNG concludes that since its expected receipts of gas from Transco will not meet its priority 2 requirements it does not have the flexibility to curtail

[1] The petition was originally filed in Docket No. R-386.

[2] One dekatherm equals 1 million btu.

other industrial customers. NCNG further states that the curtailment plan ordered by the NCUC does not allow it to shift any volumes to FCA and states that both NCNG and FCA requested curtailment relief from the NCUC for FCA's full requirements but that such relief was not granted by the NCUC.

Despite our deficiency notice of November 15, 1974, and NCNG's response of November 18, 1974, we are constrained to find that NCNG's petition for extraordinary relief remains deficient. NCNG has not complied with § 2.78(a)(ii)(k) of our rules which requires NCNG to provide details regarding any flexibility available by effectuating additional curtailment to existing industrial customers. NCNG refuses to provide data on its internal flexibility stating that the NCUC has control of its flexibility, and has refused to permit NCNG to deviate from its curtailment plan.

NCUC's solution, after refusing to grant either NCNG or FCA relief, is to issue an order stating that it will ensure that any gas from Transco's other customers, which the FPC may deem appropriate to allocate to NCNG, will be delivered to FCA.

Accordingly, we are constrained to deny interim relief to NCNG for FCA. However, we shall order that NCNG's petition for extraordinary relief be set for hearing promptly and that the expeditious schedule prescribed herein be followed without deviation.

Pursuant to the notice of the instant petition, issued October 18, 1974 (39 FR 38729) timely petitions for leave to intervene and a notice of intervention have been filed by the National Council of Farmer Cooperatives, Columbia Gas Transmission Corporation, Philadelphia Gas Works, the Public Service Commission of the State of New York, General Motors Corporation and the Brick Institute of America, Philadelphia Electric Company, Transcontinental Gas Pipe Line Corporation, and Consolidated Edison Company of New York, Inc. Untimely petitions for leave to intervene have been filed by Aluminum Company of America, Atlanta Gas Light Company, and Public Service Electric and Gas Company. A protest was filed by Transco. A formal hearing was requested by Columbia Gas Transmission Corporation, Philadelphia Gas Works, and General Motors and The Brick Institute of America. FCA subsequently filed an answer to the petitions for leave to intervene and the notice of intervention, wherein FCA states that the question of FCA's standing to petition for extraordinary relief has been removed from the proceeding because NCNG filed a petition on behalf of FCA for temporary extraordinary relief. All of the above-named petitioners will be permitted to intervene in this proceeding.

The Commission finds:

(1) Good cause exists to set for formal hearing the application for extraordinary relief.

(2) Based on the facts presented in the petition for extraordinary relief, pendente lite should be denied.

(3) Participation of the above-named petitions for intervention may be in the public interest.

The Commission orders:

(A) The application for extraordinary relief filed in Docket No. RP75–16–2 is hereby set for hearing.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas, including particularly Sections 4, 5, 15 and 16, and the Commission's Rules and Regulations under that Act, a public hearing shall be held commencing December 9, 1974, at 10:00 a.m. at a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 concerning whether extraordinary relief should be granted on a permanent basis.

(C) Petitioner NCNG and any supporting parties shall file their testimony and evidence at the Commission on December 2, 1974, and serve copies on all parties on that date.

(D) Rebuttal testimony shall be filed at the Commission on December 9, 1974, and served on all parties at the hearing on that day.

(E) The Presiding Administrative Law Judge's decision in this proceeding shall be issued within twenty (20) days of the close of the record.

(F) Briefs on exceptions will be due ten (10) days following the issuance of the Presiding Administrative Law Judge's initial decision. Briefs opposing exceptions are waived.

(G) Extraordinary relief pendente lite is hereby denied.

(H) The above-named petitioners are hereby permitted to become interveners in these proceedings subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene: and *Provided further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in these proceedings.

By the Commission. Commissioner Springer, concurring in part and dissenting in part, filed a separate statement as part of the original document.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-28279 Filed 12-3-74;8:45 am]

[Docket No. CP75-19]

TRUNKLINE GAS CO.

Amendment to Application

NOVEMBER 26, 1974.

Take notice that on November 13, 1974, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP75–19 an amendment to its application filed in the subject docket pursuant to section 7 (b) and (c) of the Natural Gas Act by proposing a reduction in horsepower of the turbine compressor units to be installed and relocated and a change in the timing of the construction of certain facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant filed an application in the subject docket on July 23, 1974, requesting authorization, inter alia, to deliver gas purchased from the South Marsh Island area to the proposed Patterson II extraction plant and to construct facilities necessary for such transportation and delivery to the Patterson II plant. By such application, Applicant sought authorization to construct a compressor station (Station 315) containing a total of 15,000 H.P. comprised of one newly purchased 3,000 H.P. turbine unit and four such units relocated from Applicant's existing Station 313.

Applicant states that it has been informed that the Patterson II plant will require gas at reduced inlet pressure (790–825 psig rather than 1,050 psig). As a result, Applicant proposes to reduce the horsepower at Station 315 from 15,000 H.P. to 6,300 H.P. Applicant states that it will purchase one 1,050 H.P. turbine unit new and will relocate five such units from its existing Station 313.

In addition, Applicant now proposes to construct in two phases such facilities enumerated in said prior application. Applicant reiterates that South Marsh Island gas initially will be processed at the existing Calumet plant because the proposed Patterson II plant will not be completed until 1976. Applicant proposes, therefore, to construct the facilities to connect its pipelines to the Patterson II plant at a time to coordinate with the actual construction of such plant. Applicant states that, while all other proposed construction will remain unchanged, it now proposes to construct the following previously requested facilities in Phase II: Approximately 4.5 miles of 24-inch O.D., 2.9 miles of 20-inch O.D., and 16 miles of 30-inch O.D. pipelines in St. Mary Parish, onshore Louisiana, to deliver the gas for, and return the gas after, processing at the proposed Patterson II extraction plant.

Applicant claims that the effect of the proposed modifications is to reduce the total cost of the facilities, including the Phase II portion, from the originally estimated $34,580,000 to $33,080,000.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before December 16, 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. Persons who have heretofore filed a protest or petition to intervene need not file again.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-28281 Filed 12-3-74;8:45 am]

[Docket No. RP72-133; PGA75-1]

UNITED GAS PIPE LINE CO.

Filing of Revised Tariff Sheets

NOVEMBER 26, 1974.

Take notice that on November 15, 1974, United Gas Pipe Line Company (United) tendered for filing (1) Twentieth Revised Sheet No. 4 (designated as Proposed Tariff Sheet), which contains a Surcharge Adjustment of 0.79¢ per Mcf and (2) Twentieth Revised Sheet No. 4 (designated as Alternate Proposed Tariff Sheet), which contains a Surcharge Adjustment of 2.73¢ per Mcf to its FPC Gas Tariff, First Revised Volume No. 1. United states that the 0.79¢ Surcharge Adjustment shown on the Proposed Tariff Sheet assumes that the Commission will grant United's petition for special relief in Docket No. RP75-22. According to United, the 2.73¢ Surcharge Adjustment shown on the Alternate Proposed Tariff Sheet reflects the inclusion in the deferred gas cost of all increases in Purchased Gas Costs, including those increases incurred through September 30, 1974, for which special relief has been sought in Docket No. RP75-22. Thus, United states that the Alternate Proposed Tariff Sheet assumes that United's petition for special relief in Docket No. RP75-22 is not granted by December 31, 1974.

United filed the Proposed and Alternate Proposed Tariff Sheets in order that the Commission may make effective on January 1, 1975, the Surcharge rate which will reflect the Commission's action in Docket No. RP75-22. United states that these tariff sheets and supporting data are being filed 45 days before the effective date of January 1, 1975, pursuant to Section 19 of United's FPC Gas Tariff, First Revised Volume No. 1 and are in compliance with the provisions of Order Nos. 452, 452-A and 452-B.

United further states that a copy of each of the proposed tariff sheets and supporting data are being mailed to United'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 11, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-28282 Filed 12-3-74;8:45 am]

[Docket No. E-8867]

WISCONSIN PUBLIC SERVICE CORP.

Extension of Procedural Dates

NOVEMBER 26, 1974.

On November 20, 1974, the Cities of Algoma, Eagle River, New Holstein, Sturgeon Bay and Two Rivers, Wisconsin and Stephenson, Michigan filed a motion to extend the procedural dates fixed by order issued August 23, 1974, in the above-designated matter. The motion states that no party objects to the charge.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

PHASE I

Staff Evidence Service, January 20, 1975.
Intervenor's Evidence Service, February 3, 1975.
Rebuttal Evidence Service, February 18, 1975.
Hearing, March 10, 1975 (10 a.m., e.d.t.).

PHASE II

Intervenor's Evidence Service, March 20, 1975.
Staff Evidence Service, April 3, 1975.
Company's Evidence Service, April 17, 1975.
Rebuttal Evidence Service, May 1, 1975.
Hearing, May 22, 1975 (10 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-28276 Filed 12-3-74;8:45 am]

FEDERAL RESERVE SYSTEM

SUN BANKS OF FLORIDA, INC.

Acquisition of Bank

Sun Banks of Florida, Inc., Orlando, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Sun Bank of Seminole, Altamonte Springs, Florida, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 26, 1974.

Board of Governors of the Federal Reserve System, November 25, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-28249 Filed 12-3-74;8:45 am]

TENNESSEE VALLEY BANCORP, INC.

Acquisition of Bank

Tennessee Valley Bancorp, Inc., Nashville, Tennessee, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of Valley Fidelity Bank and Trust Company, Knoxville, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 30, 1974.

Board of Governors of the Federal Reserve System, November 26, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-28250 Filed 12-3-74;8:45 am]

FIRST WESTERN CORP.

Formation of Bank Holding Company

First Western Corporation, Casper, Wyoming, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the Western National Bank of Casper, Casper, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 23, 1974.

Board of Governors of the Federal Reserve System, November 26, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-28251 Filed 12-3-74;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Order 103]

SAN JOSE, CALIF.

Resolution and Order Approving Application for Foreign-Trade Zone

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter hereby orders:

After consideration of the application of the City of San Jose, State of California, as amended, filed with the Foreign-Trade Zones Board on May 22, 1974, requesting a grant of authority for the establishing, operating and maintaining of a foreign-trade zone in San Jose, California, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied and that the proposal is in the public interest, approves the application. Since the proposal involves an industrial park type zone that envisages the construction of the buildings by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to § 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the District Army Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

GRANT TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE AT SAN JOSE, CALIFORNIA

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a–81u) (hereinafter referred to as "the Act") the Foreign-Trade Zones Board (hereinafter referred to as "the Board") is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the City of San Jose, State of California (hereinafter referred to as "the Grantee"), has made application (filed May 22, 1974, as amended) in due and proper form to the Board requesting the establishment, operation, and maintenance of a foreign-trade zone in San Jose, California;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 18, at the location mentioned above and more particularly described on the maps accompanying the application requesting authority for a foreign-trade zone in San Jose, California, marked as Exhibits IX and X, said grant being subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to-wit:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operation within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, Frederick B. Dent, at Washington, D.C., this 27th day of November 1974, pursuant to Order of the Board.

FOREIGN-TRADE ZONES BOARD,
FREDERICK B. DENT,
Chairman and Executive Officer.

Attest:

JOHN J. DUPONTE, Jr.,
Executive Secretary.

[FR Doc.74–28196 Filed 12–3–74;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals; Federal Energy Administration

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 21, 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.

Written comments on the proposed FEA form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before December 20, 1974, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202–376–5425.

FEDERAL ENERGY ADMINISTRATION

Request for clearance of FEA F701–M–O, Transfer Pricing Report. This is a new monthly report to collect detailed information on crude oil transfer prices between U.S. companies and their foreign trading affiliates and crude oil transactions between nonaffiliated entities. There are 35 potential respondents. Reports are mandatory under P.L. 93–275 and 93–159. Respondent burden is estimated to average about 40 hours per month per respondent with a range from 6 hours to 120 hours monthly.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.74–28342 Filed 12–3–74;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS

DANCE PROGRAM

Guidelines

The following are guidelines for the Dance Program of the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

Notice is hereby given that the deadlines for each program are listed below. Note: The activities of mime companies and individuals fall within the scope of the Dance Program.

CHOREOGRAPHY FELLOWSHIPS AND PRODUCTION GRANTS

Deadline: February 1, 1975.
For projects starting after: July 1, 1975.

RESIDENT PROFESSIONAL DANCE COMPANIES MANAGEMENT AND ADMINISTRATION SERVICES TO THE FIELD

Deadline: June 1, 1975.
For projects starting after: January 1, 1976.

GENERAL PROGRAMS

Deadline: February 1, 1975; June 1, 1975; August 1, 1975; and November 1, 1975.
For projects starting after: July 1, 1975; November 1, 1975; February 1, 1976; and April 1, 1976.

Interested persons should contact the Program Director, Dance Program, National Endowment for the Arts, Washington, D.C. 20506, (202) 634–6383, for further information and application forms. Only the Dance Program office may distribute application forms.

Signed at Washington, D.C. on 25 November 1974.

FANNIE TAYLOR,
Director, Program Information.

GENERAL INTRODUCTORY COMMENTS

The Dance Program of the National Endowment for the Arts has been shaped to meet the needs of a performing art which is in an unprecedented state of creativity and growth. Grants are offered in support of touring, choreography fellowships and production grants, resident professional dance

company development, management and administration, services to the field, and dance/film/video.

It should be noted that the activities of mime companies and individuals fall within the scope of Dance Programs unless they are particularly theater-oriented.

A few basic facts to keep in mind concerning programs of support in dance are these:

(1) Grants are made to enable a company or individual to carry out a specific, described project; grants usually will not be made for "general support." Applicants are advised to budget each project to achieve high standards of artistic excellence at a minimum cost.

(2) Grants are usually less than the maximum dollar amount stated in the program. Applicants are particularly urged to budget realistically and present minimum figures of Federal support needed to achieve the purpose of the project and high standards of artistic excellence. (Revision of projects and budgets is time consuming for applicants and the Endowment.)

(3) Grants to dance companies must usually be matched at least dollar for dollar with non-Federal funds (that is, contributions, non-Federal grants, and/or earned income). Choreography fellowships to individuals are nonmatching.

(4) Larger grants are generally made through the Treasury Fund. When the National Endowment for the Arts was created, Congress included a unique provision in its enabling legislation. This provision allows the Endowment to work in partnership with private and other non-Federal sources of funding for the arts. Designed to encourage and stimulate increased private funding for the arts, the Treasury Fund allows non-Federal contributors to join the Endowment in the grant-making process, generally for projects supported by the Endowment under the established program guidelines.

The Endowment encourages use of the Treasury Fund method as an especially effective way of combining federal and private support, and as an encouragement to all potential donors, particularly those representing new or substantially increased sources of funds. The Endowment expects to make a substantial number of its grants—particularly larger grants—through the Treasury Fund.

The Endowment may accept gifts in the form of money and other property. Bequests may be made to the Endowment as well. Donations to the Endowment are generally deductible for Federal income, estate, and gift tax purposes.

Donations may be made to the Endowment, under its regular program guidelines, for the support of a nonprofit, tax-exempt, cultural organization which has been notified that the Endowment intends to aware it a grant—such as a museum, a symphony orchestra, a dance, opera, or theater company—or for an Endowment program, such as fellowships, touring, conferences, or workshops. When a donation is received it frees an equal amount from the Treasury Fund, and the doubled amount is then made available to pay up to 50% of the project costs.

The Endowment also accepts unrestricted gifts to be used for projects recommended to the Chairman by the National Council on the Arts.

The Endowment encourages applicants to apply for Treasury Funds when undertaking substantial and relatively costly projects. Projects supported under Category D, Production Grants, and under the Resident Professional Dance Companies Program may be particularly suited to the Treasury Fund method of awarding grants.

(5) By statute, the National Endowment for the Arts is limited to the support of organizations which meet the following criteria:

(a) Only those organizations which meet the requirements of Title VI of the Civil Rights Act of 1964 for the duration of any project supported in whole or in part by the National Endowment for the Arts.

(b) Only those organizations in which no part of net earnings inures to the benefit of a private stockholder or individual and to which donations are allowable as a charitable contribution under Section 170(c) of the Internal Revenue Code of 1954, as amended. A copy of Internal Revenue Service Determination letter for tax-exempt status must be submitted with each application.

(c) Only those organizations which compensate all professional performers, related or supporting professional personnel, laborers, and mechanics at the equivalent of the prevailing minimum compensation level or on the basis of negotiated agreements which would satisfy the requirements of Parts 3, 5, and 505 of Title 29 of the Code of Federal Regulations for the duration of any project supported in whole or in part by the National Endowment for the Arts.

(6) Support for certain specialized activities of dance companies is occasionally provided through other program areas of the National Endowment for the Arts, including Expansion Arts, Education (Artists-in-Schools), Public Media, Visual Arts (Visual Arts in the Performing Arts) and Special Projects. Guidelines for funding possibilities in these areas may be obtained by writing directly to the specific program, National Endowment for the Arts, Washington, D.C. 20506.

General Instructions for Making Application

(1) Note well: Applications must be postmarked no later than the deadline date for the program under which you are applying. The Endowment regrets that because of review procedures applications postmarked after the appropriate deadline cannot be considered. Applicants may wish to use certified mail in submitting applications.

Proper and complete preparation of applications takes time. Please allow yourself sufficient time to thoroughly read the Guidelines, gather the supplemental information requested, get answers to any questions you might have, and carefully and completely fill out the application form including the requested attachments.

(2) All formal applications should be prepared in triplicate and mailed to:

Grants Office,
National Endowment for the Arts,
Washington, D.C. 20506.

If you need assistance in making application, the Dance Program office will be pleased to help or to refer you to an appropriate person or organization in your area for assistance. Questions may be directed to:

Dance Programs,
National Endowment for the Arts,
Washington, D.C. 20506,
(202) 634-6383.

(3) Applicants should consider carefully which categories of support are most applicable to and productive for the applicant and project. Making large numbers of applications, or applications in virtually every category, whether appropriate or not, does not work to the advantage of the individual or company.

(4) The front page of your application will be reproduced in multiple copies for the consideration of the Dance Advisory Panel, so it is in your interest to submit a clear, typewritten copy, as well as a succinct but thorough project description.

(5) Applications must be submitted in triplicate according to instructions on the Endowment's official application forms. Please follow closely the instruction sheet attached to your application and additional instructions detailed under each program. Failure to supply all information requested will result in unavoidable delays that may adversely affect consideration of your proposal.

(6) Organizational applications must be submitted by the institution or company named in the IRS letter of determination of tax-exemption which must accompany the application. The authorizing official must be an officer of that institution or company legally able to commit the Board.

(7) Item "VII. Total Fiscal Activity" must be completed with *accurate* figures. If the organization named on the application form is responsible for more than one suborganization, *only* the activity of the suborganization carrying out the project should be included in the TFA figures.

(8) Budget breakdowns should cover only the costs of the specific project for which application is being made. Please note that "X. Contributions, Grants and Revenues (for this project)" plus "VII. Total Amount Requested from NEA" should equal "Total Project Costs" (under "VI. Summary of Estimated Costs"). This applies to applications made under all programs EXCEPT Choreography Fellowships, Categories, A, B, C, and E.

(9) Proposed projects may not be scheduled to begin prior to the beginning date stated in the program description (see page 1 for a summary of this information). Notices of rejection or approval of projects will be sent prior to these beginning dates, but in no case before June 15, 1975 for applications submitted by February 1, or October 15, 1975 for applications submitted by June 1. Applicants are requested not to seek information about the status of their applications prior to this date.

(10) The Endowment will make every attempt to make grant payments when requested. However, grantees should understand that, because of Congressional appropriation procedures, payments may be delayed until late Summer 1975.

Application Review Procedure. The Endowment's Dance Program staff reviews applications and refers them to the Dance Advisory Panel. This Panel is made up of professionals from the dance field and state arts agencies from across the country. The recommendations of the Dance Advisory Panel are submitted to the National Council on the Arts, an advisory group of twenty-six Presidentially-appointed members. The National Council reviews and makes recommendations on all applications to the Chairman of the National Endowment for the Arts. Upon action by the Chairman, the applicant will be notified in writing by the Endowment.

Final Reporting Procedures.—Please note that it is a requirement of all grants awarded by the National Endowment for the Arts that grantees provide to the Endowment, within 90 days of the termination of the grant period, both a Final Expenditure Report and a Final Descriptive Report on the project undertaken with the grant.

Information to be provided in Final Descriptive Reports will, of course, vary with the project, but should in general be related directly to the application form. Grant award letters will, in the future, include a paragraph describing the information the Final Report should contain.

The Bicentennial.—The Endowment recognizes that the arts will play an important

role in the celebration of our country's bicentennial. The Endowment welcomes this involvement on the part of artists and cultural organizations. The Endowment has an active interest in participating in these efforts, within funds available to it, and insofar as they are directed to professional creation and presentation of new works, improvement of artistic standards, preservation of our cultural heritage, and increasing the availability of the arts for all Americans. If funds under these guidelines are sought for projects deemed by the applicant to be related to the bicentennial, a brief description of this relationship should be made in the application.

State/Regional/National Cooperation.—The Endowment would like to encourage cooperation among professional dance organizations, state arts agencies, regional arts groups, and service organizations. Applications should be for projects designed to strengthen professional dance activities through cooperative efforts. Generally, applications should be made under "General Programs". All applications which involve more than one group must include a list of participating organizations and a letter from each of them confirming its participation.

Dance Touring Program

The National Endowment for the Arts has provided substantial support to sponsors of touring dance companies through the Dance Touring Program. Detailed "Guidelines for Sponsors" and "Guidelines for Dance Companies" are available from the Endowment. Following is a brief summary of the Dance Touring Program.

The purpose of the Program is to provide the best of American dance to the largest possible number of the American people. At the same time, the Program is designed to improve touring practices for companies and audiences by supporting residencies rather than one-night stands. There is considerable emphasis on involving the resident community as broadly as possible in the scheduled activities of the residency.

Under the Dance Touring Program, sponsors of professional dance company residencies receive, through their state arts agencies, up to one-third of the fee of companies participating in the Program. In general, sponsors are expected to engage at least two companies for a minimum of one-half week (2½ days) each.

Dance companies wishing to participate in the Dance Touring Program must meet certain quantitative criteria and must complete a "Company Information Questionnaire" in order to be listed in the Directory of Dance Companies from which sponsors will make their choices for touring engagements to be supported under this Program.

Quantitative criteria which participating companies must have met in order to participate in the Fiscal 1976 Dance Touring Program include the following:

(1) The company must be a non-profit, tax-exempt organization.

(2) The company must pay on tour all professional performers, related or supporting staff, laborers and mechanics no less than the minimum compensation level as determined by the appropriate union, and must meet the applicable requirements of Title VI of the Civil Rights Act of 1964.

(3) The company must have performed at least 15 public appearances for which the dancers and staff were paid no less than the minimum compensation level as defined by the appropriate union during the 1973–74 season, and have projected at least 15 such for the 1974–75 season.

(4) The company must have adequate management to provide potential tour sponsors with the necessary services to contract and carry out tour engagements.

(5) The company must have a history of sound administrative practices.

The application deadline for companies wishing to participate in the 1975–76 Touring Program has already passed. There may be some alterations in the quantitative criteria and in the information requested on the "Company Information Questionnaire" for participation in the 1976–77 Program.

Companies are urged to request guidelines if they do not already receive them from the Dance Program office. The application deadline for companies wishing to participate in the Dance Touring Program for Fiscal Year 1977 (the 1976–77 touring season) will be August 1, 1975.

Sponsors wishing to engage companies participating in the Dance Touring Program should contact their state arts agency for copies of the "Guidelines for Sponsors" and the "Directory of Dance Companies," or should write or call:

Dance Touring Program Coordinator,
Dance Programs,
National Endowment for the Arts,
Washington, D.C. 20506.
(202) 634–6383.

Choreography Fellowships and Production Grants

The National Endowment for the Arts offers five categories of choreography fellowships and production grants for Fiscal Year 1976. THE DEADLINE FOR APPLICATIONS IN ALL FIVE CATEGORIES IS FEBRUARY 1, 1975. Applications must be postmarked by that date. The Endowment regrets that because of necessary review procedures, applications postmarked after February 1 cannot be considered.

Project Period. The grant period covered by this program is July 1, 1975 through June 30, 1976. Projects may not begin prior to July 1, 1975 and should be completed within the twelve month period.

Category A Choreography Fellowships

Individual fellowships to experienced professional choreographers who are permanently associated with a professional performing company.

Purpose. The purpose of this program is to provide rehearsal time and opportunity for experienced choreographers to create new works for the professional company with which they are permanently associated.

Funding. Grants in this category are made directly to the choregrapher. They may include funds for the following expenses:

(1) An individual fellowship to the choregrapher not to exceed $4,000.

(2) Rehearsal salaries for the required number of dancers for the required length of time (not to exceed four weeks, or a total of 100 hours per dancer; rehearsal weeks or hours need not be consecutive). Dancers' wages must be at least scale as defined by the American Guild of Musical Artists. If dancers' salaries are already established in excess of scale, the choreographer may apply for the actual costs incurred by those salaries. If the company has a policy of double-casting, wages may be requested for double casts *in the principal roles.*

(3) The notation and/or creation of a *simple* videotape or black and white film record of the work. It should be noted that, if funds for recording are included in the grant award, such recording must take place within the project period of the grant.

How to apply.—Please use "Individual Grant Application/NEA–2 (Rev.)." At the very top of the page, please enter "Category A, Choreography Fellowship."

The following information about the proposed choreography should be included on the application form under "Description of Proposed Activity." Do not continue onto an additional page.

(1) A brief description of the proposed work, including designer(s) and composer.
(2) Number of dancers.
(3) Approximate length of the dance.
(4) Projected dates of rehearsal.
(5) Anticipated date and place of premiere.
(6) A budget in the following format:

(a) amount of choreography fellowship	$_____
(b) number of dancers × number of hours or weeks × amount per hour or week =	$_____
(c) cost of notation and/or simple video or film record of the work (if requested)	$_____
Total	$_____

Under "Career Summary or Background," please list works choreographed by the applicant during the last five years, and for whom they were choreographed.

Under "Prizes/Honors Received," please list the sources of all fellowships and commissions received during the last five years, excluding those from the Endowment.

Please attach to the application form the current year's performance schedule for the company with which the applicant works, and a projection of the company's activity for the 1975–76 season.

Category B Workshop Fellowships

Individual fellowships to aid in the creation of a new dance work, awarded to:

(1) Choreographers working in workshops, civic, regional, educational, or other companies with limited performance schedules,

(2) Choreographers wishing to work in new and experimental areas, and

(3) Members of professional companies which have a policy of offering choreographic opportunities to their members.

This category is *not* intended for support of student choreographers.

Purpose.—The purpose of this program is to assist choreographers in the development and expansion of their art. Additionally, the purpose is to assist non-professional companies to expand and diversify their repertoires, and to encourage professional companies to provide choreographic opportunities for company members with choreographic promise.

Funding.—Fellowships of $1,500 awarded directly to the choreographer to be used for the creation of the described work. This program carries no additional payment of any kind.

How to Apply.—Please use "Individual Grant Application/NEA–2 (Rev.)." At the very top of the page, please enter "Category B, Workshop Fellowships."

The following information about the proposed choreography should be included under "Description of Proposed Activity."

(1) A brief outline of the proposed work and the number of performers required.

(2) Name, location and brief description of the group for which the work is to be created.

(3) Approximate dates of rehearsal, projected date and place of premiere (if known) and an indication of future performances of the work.

The following information should appear on the application form under the appropriate title:

(1) List of previous works choreographed (under "Career Summary").

(2) Brief resume of professional experience (under "Career Summary").

(3) Sources of all previous grants and awards received during the last three years, excluding those from the National Endowment for the Arts (under "Prizes/Honors Received").

CATEGORY C FELLOWSHIPS FOR CHOREOGRAPHERS IN RESIDENCE

Non-matching grants to professional performing companies to enable them to award fellowships to experienced professional choreographers who have no permanent association with the company to create new works, to restage existing works, or to work with the company over an extended period of time. Please note that there are two different options outlined below: short term and long term residencies.

Purpose.—The purpose of this program is to assist companies in acquiring the works of visiting choreographers in order to broaden the repertoire available to the general public, and to encourage and enable established American choreographers to work with a variety of companies.

Short Term Residencies.—Grants are made directly to the company. If the choreographer is being engaged to create a new work or to restage an existing work, the application may request funds to cover the visiting choreographer's fellowship, travel and per diem expenses for the choreographer, plus the costs of notating (if not already notated) and/or the making of a simple video or film record of the work. Limitations on the above costs for a single work are:

(1) The choreographer's fellowship may not exceed $4,000 to create a new work, or $3,000 to restage an existing work.

(2) Travel expenses may not exceed two round-trip tourist class fares between the point of residence of the choreographer and the location of the host company. (Note: The Endowment regrets the application may not include the costs of foreign travel.)

(3) Per diem expenses are to be estimated at the applying company's established rate for the costs of room and board at the point of rehearsal (if the choreographer is based in a community other than the resident community of the host company) for the period of time the visiting choreographer is in residence. This may not exceed a total of three weeks.

How to Apply.—Please use "Project Grant Application NEA–3 (Rev.)." The following information should appear on the application form under "IV. Summary of Project Description."

(1) Name of the visiting choreographer.
(2) Title of the work (if known).
(3) Composer of music.
(4) Designer(s).
(5) Number of dancers.
(6) Approximate length of work.
(7) Dates of rehearsal.
(8) Projected date and place of premier.

Since this is a non-matching grant, the project budget should include only those costs applicable to the project as outlined above (that is, choreographer's fellowship, travel expenses and per diem), and should equal the total amount requested from the National Endowment for the Arts. Details included on page 2 of the application form, under "Budget Breakdown," should include only the applicable costs. Item "X. Contributions, Grants and Revenues" should be left blank.

The following information should be attached to the application form:

(1) A résumé of the visiting choreographer including:

(a) a listing of the companies with whom the choreographer has previously worked

(b) a listing of the works created by the choreographer during the past three years

(2) A letter of intent from the choreographer to set the work, including reference to the following:

(a) the amount of the choreographer's fellowship

(b) the rehearsal dates

(c) travel arrangements

Note.—It is the responsibility of the company and the choreographer to arrive at an agreement for performance royalties.

(3) The performance schedule for the company's current year, and projections of the company's activity for the 1975–76 year.

(4) A listing of the company's active repertoire.

(5) A copy of the company's IRS tax-exempt determination letter.

Long Term Residencies.—The National Endowment for the Arts would also like to encourage companies to establish extended and continuing relationships with choreographers not permanently associated with the company.

Applications for funds to carry out such a project should be made by the dance company. In describing the project please indicate the extent to which the visiting choreographer will be working with the company, what the company and choreographer hope to gain from the residency, the amount of time the company will be available to the choreographer, all activities the choreographer will be engaged in while in residence, and any other pertinent information which explains the benefits the company is seeking by entering into an extended residency by a visiting choreographer.

Limitations on the costs for which the company may apply are:

(1) The choreographer's fellowship for the period of time the choreographer will be working with the company.

(2) Reasonable housing costs while the choreographer is in residence with the host company.

(3) Reasonable travel costs (tourist class) between the choreographer's resident city and the resident city of the company. (More than one round trip is allowable.)

How To Apply.—The following information should appear *on the application form under* "IV. Summary of Project Description."

(1) Name of the visiting choreographer.

(2) The goals of the project in terms of the benefits being sought through an extended residency of the choreographer.

(3) Description of the working relationship which is being entered into, including an indication of the time schedule, work schedule, dances to be created and/or restaged, et cetera.

(4) The duties of the choreographer during his time with the company.

(5) All other pertinent information which will aid the Endowment in evaluating the application.

The following information should be attached to the application form:

(1) A resume of the visiting choreographer including:

(a) a listing of the companies with whom the choreographer has previously worked.

(b) a listing of the works created by the choreographer during the past three years.

(2) A copy of the contract or preliminary agreement between the choreographer and the company signed by both the choreographer and the company. This should include specific mention of:

(a) the time schedule for the residency

(b) the duties of the choreographer during the residency

(c) the travel and living arrangements for the choreographer.

(d) rights and royalty arrangements for any works created or restaged during the residency

(e) the fellowship to be paid the choreographer

(f) all other financial arrangements between the choreographer and the company with regard to the residency

(g) any other information which requires prior agreement between the company and the choreographer for efficient and effective planning.

(3) The rehearsal and performance schedule for the company's current year, and projections of the company's activity for the 1975–76 year.

(4) A listing of the company's active repertory.

(5) A copy of the company's IRS tax-exempt determination letter.

CATEGORY D PRODUCTION GRANTS

Matching grants to professional companies for new productions.

Purpose.—The purpose of this program is to assist established professional companies with national or wide regional exposure to expand and diversify their repertoire. Companies applying must have attained at least a twenty-week rehearsal/performing season during 1974–75, and must have been in existence for at least three years.

Funding.—Grants are made directly to the company on at least a dollar for dollar matching basis. Applicants are encouraged to raise matching funds from new donors or from substantial increases in support from previous donors, and to make use of the Endowment's Treasury Fund method of support, described in the General Introductory Comments, for large projects. Further:

(1) Grants generally will not exceed $100,000 and in most cases will be considerably less.

(2) Each application may cover one or more works by one or more choreographers. Budgets should be worked out separately for each work, in the same format as the application form, and attached to the application.

(3) The project budget on the application form may include all direct costs of mounting the production prior to the premiere performance. Please note that performance royalties, promotion and publicity costs, et cetera are therefore not applicable expenses.

Applicable expenses include:

(a) choreographer's fee.
(b) composer's fee.
(c) designer(s)' fee.
(d) rehearsal salaries for the required number of dancers for the required length of time (not to exceed four weeks, or a total of 100 hours per dancer). Dancer's wages must be at least scale as defined by the American Guild of Musical Artists. If dancer's salaries are already established in excess of scale, the company may apply for the actual costs incurred by those salaries. If the company has a policy of double-casting, wages may be requested for double casts *in the principal roles.*

(e) physical costs of mounting the production (sets, costumes, etcetera) costs of notating and/or making a simple black and white video or film record.

(Note: The Endownment regrets the application may not include the costs of foreign travel. It may, however, include the costs of travel from the point of entry into the United States to the home city of the company).

How to Apply.—Please use "Project Grant Application/NEA-3 (Rev.)." The following information should appear on the application form under "IV. Summary of Project Description."

(1) Name of choreographer.
(2) Title of work.
(3) Composer of music.
(4) Designer(s).

(5) Number of dancers.
(6) Approximate length of work.
(7) Dates of rehearsal.
(8) Projected date and place of premiere.

The following information should be attached to the application form:

(1) A listing of the company's current active repertoire.

(2) A budget for the 1974–75 season, and projected budget for the 1975–76 season.

(3) The performance schedule for the company's current year, and projections of the company's activity for the 1975–76 season.

(4) Budgets for each individual work if more than one work is included in the application (see No. 2 under "Funding" above).

(5) If the choreographer is not permanently associated with the applicant company, a letter of intent from the choreographer must accompany the application. The letter of intent to set the work must include reference to the choreographer's fee, the rehearsal dates and the travel arrangements, as well as the work itself.

(6) A copy of the company's IRS tax-exempt determination letter.

CATEGORY E SPECIAL CHOREOGRAPHY FELLOWSHIPS

Fellowships to experienced professional choreographers with substantial professional recognition for extraordinary choreography projects not applicable under Categories A, B, C, or D described above.

Purpose.—Recognizing that an experienced choreographer may wish to engage in choreographic activity which does not follow the structures covered by Categories A, B, C, and D, the Endowment will accept applications from individual choreographers for these projects. It should be emphasized that "Special Choreography Fellowships" will be made only in exceptional circumstances. If at all possible, projects should be applied for under the regular Categories.

Review Information.—Applications will be reviewed by the staff of the National Endowment, the Dance Advisory Panel, and the National Council on the Arts according to the following-criteria:

(1) The artistic significance of the proposed project.

(2) The merit of the purpose of the project with relation to the stated purpose of this category.

(3) The individual's capacity to achieve the stated objectives.

(4) The demonstrated need for the fellowship requested.

Funding.—Generally the individual fellowships awarded will not exceed $10,000, and may cover only the directly related costs.

How To Apply.—Please use the "Individual Grant Application/NEA 2 (Rev.)." At the top of the page, please enter "Category E, Special Choreography Fellowships." On the application, please describe the project in detail, clearly stating the reason for making application in this area, the goals of the project, and all other information you feel will aid the National Endowment in reviewing the project. Also in the project description, please provide a breakdown of the funds being requested and how they will be used if awarded.

Attached to the application should be a letter of agreement between the choreographer and any other party or organization whose participation is necessary for accomplishing the project.

RESIDENT PROFESSIONAL DANCE COMPANIES PROGRAM

The purpose of this program is to encourage and increase the availability of high quality professional dance activities on a *regular and continuing* basis in communities and regions across the country.

Deadline.—All applications for assistance under this program must be postmarked by June 1, 1975. The Endowment regrets that because of review procedures applications postmarked after that date cannot be considered.

Eligibility.—In general, assistance under this program is for professional companies which:

(1) Are in permanent residence in a community, and which provide their community and the surrounding geographic region with a *regular schedule* of dance services such as concert seasons, community service programs, educational programs, specialized touring activities, training programs, et cetera.

(2) Demonstrate high artistic and administrative standards.

(3) Have attained a regular rehearsal and performance season in their community and region of at least 15 weeks (cumulative) in each of Fiscal Years 1974 and 1975 and which present at least three different public programs yearly in their community.

Project Examples.—Generally applications will be considered only for specific projects within the following areas of activity. However, a company may request special consideration for a project not covered by the areas listed below if it serves a particular need of the company, community, or region. Although the Endowment welcomes the vitality of new programs and under all conditions encourages applicants to develop new sources of funds, applications first and foremost should represent the genuine needs of the applicant organization. Accordingly, applicants may request support to strengthen existing programs. Applications *must* outline in detail the specific project for which support is being requested, and must include a clear justification of need for this support.

Project areas considered applicable are:

(1) *Specialized Regional Services:* Programs designed especially to serve the company's community and broad geographic region by providing the audiences and participants with an in-depth exposure to quality professional dance *on a regular and continuing basis.* Proposed programs should also be designed to encourage increased private support from the community and region. Such projects might include regular regional touring and residency programs, regular concert seasons in communities throughout the region, educational programs, etcetera.

(2) Personnel Assistance: Assistance in the addition of new personnel (on a full or part-time basis) to the staff of the company. All positions considered must be new to the company, and the company must provide a clear justification of need for the new position as well as an assurance that the cost of this new position can be carried by the company in future years without continued Endowment support. The hiring of additional dancers for the company is not applicable. Applications for assistance with management and administrative staff should be made under "Management and Administration." For more information on this program, see page 21.

(3) Cooperative Projects: Special attention will be given applications requesting assistance for cooperative projects with other local or regional arts organizations (including dance organizations). Such projects might include the hiring of joint personnel where the need of an individual organization is not sufficient to justify a full-time position, the development of regional activities in which a number of arts organizations participate, et cetera. Applicants should include supportive statements from cooperating organizations or individuals.

(4) Stabilization of Season: Projects carefully designed to provide the company with a more stable existence in its community and region. Such projects might include:

(a) Programs designed to develop new ways to improve earned and contributed income, increase audiences, and improve ticket sales.

(b) Extension of the season through programs which make use of smaller ensembles and/or make it possible for the company to engage in other income-generating activities.

In developing projects please keep in mind:

(1) Applications will not be considered for non-specific support.

(2) The Endowment's assistance is not meant to discourage admission fees.

Review Information.—Applications will be reviewed by the staff of the National Endowment, the Dance Advisory Panel, and the National Council on the Arts according to the following criteria:

(1) The artistic significance of the proposed project.

(2) The merit of the purpose of the project with relation to the stated purpose of this program.

(3) The company's organizational stability and proven artistic merit.

(4) The company's capacity to achieve the stated objectives.

(5) The professional service provided to the community and/or geographic region.

(6) The demonstrated need for the support requested.

Methods of Funding.—All grants will be matching grants. In general, grants will not exceed $50,000 from direct Endowment program funds or $100,000 from Treasury Funds ($50,000 Endowment; $50,000 private donation). In most instances grants will be in lesser amounts. The Endowment urges applicants to consider applying under the Treasury Fund method of support in order to encourage new or increased giving from the private sector.

How To Apply.—Applicants should use the "Project Grant Application" form identified with "NEA–3(Rev.)" in the upper left-hand corner of the first page.

Project Description: All essential elements of the proposal must be included in a concise project description in the space provided on the first page of the application form.

Budgetary Information: The budgetary information required must appear on the application form as indicated, but you may attach a more detailed budget if you feel it would be helpful in assessing the project.

Project Period: The grant period under this program is January 1, 1976 through December 31, 1976. The starting date of the project may not be prior to January 1, 1976 and its length will normally not exceed twelve months. (The beginning and ending dates of the project should be entered under "III. Period of Support Requested" on the application form.)

Information Required to Supplement the Grant Application:

(1) A copy of the company's Internal Revenue Service Determination Letter for tax-exempt status.

(2) The company's 1974–75 schedule and a projected 1975–76 schedule.

(3) The company's 1974–75 total operating budget and the 1975–76 total operating budget projection.

(4) A listing by number and title of the total staff (artistic, administrative and production) of the company. Please note part-time or volunteer positions.

Information Needed to Supplement Grant Application, If Not Supplied to the Endowment in Prior Years:

(1) A brief history of the company.

(2) A listing of the company's repertory.

(3) The size of the board of directors, and how often it meets.

(4) A selection of representative reviews (unedited).

Note: If the information on file at the Endowment is not up-to-date, please send revised information.

MANAGEMENT AND ADMINISTRATION

The National Endowment for the Arts recognizes the need for professional administration of dance companies. The purpose of the Management and Administration program is to assist *dance companies* in obtaining professional management, or in *substantially* improving the company's existing management structure. (Please note that support for *management-related* activities for other than dance *companies* may be eligible for assistance under Services to the Field; this category, however, is now intended solely for support of the management of dance companies.)

Deadline.—All applications for assistance under this program must be postmarked by June 1, 1975 for projects beginning between January 1, 1976 and December 31, 1976. The duration of the project would generally not exceed twelve months. The Endowment regrets that because of review procedures applications postmarked after that date cannot be considered.

Funding.—Grants will be made directly to the company on at least a dollar-for-dollar matching basis. Generally grants will not exceed $25,000 and are usually substantially less. Applicable costs for the project include the salary of the position, and *only* those directly related costs necessary for the efficient and effective operation of the position. In most cases funding for a specific project will be limited to one year. In some circumstances the Endowment will consider applications for the continuation of a project for a second year. However, applications for the continuation of a project after the second year *will not be considered.*

How to Apply.—Applicants should use the "Project Grant Application" form identified with "NEA–3 (Rev.)" in the upper left-hand corner of the first page.

Within the space provided on the application form for the "Project Description" the following information must appear:

(1) A summary of the duties and responsibilities of the position for which application is being made.

(2) A justification of why this position is needed, a statement of how the position will benefit the company, and how the company plans to assume continuing costs of the position after termination of the Endowment grant.

(3) If known, the name of the person being considered.

(4) A justification for any costs other than the salary for the position being requested.

Attached to the application form should be a complete job description for the position being requested and, if known, a resume of the person being considered. (Note: If not known at the time of application, the name and resume of the person to fill the position will be required prior to release of payments should the application be approved.)

The budgetary information should include the salary for the position being requested and *only* those costs necessary for the efficient and effective operation of the position. These additional costs must be justified in the project description.

If the request is for the continuation of a project which was funded the year before, the project description must include justification of why Endowment assistance is being sought for a second year.

SERVICES TO THE FIELD

Dance is served nationally by a variety of dance service organizations. The National Endowment for the Arts offers support to those national service organizations dealing in projects directly related to performing companies. Additionally, projects which have broad-based service components, such as multi-company managements, technical assistance programs, management intern or apprentice projects, cooperative activities with wide regional or national implications, etcetera, will be considered under this program.

Organizations should submit applications for specific projects they wish to accomplish, describing these projects on the application form in the space provided. *Projects do not have to be new or innovative.* Assistance may be requested for strengthening and continuing existing programs. The Project Budget should include only those costs necessary to accomplish the described project(s). The "Total Requested from the NEA" must not exceed 50 percent of the total project budget and, together with "Contributions, Grants and Revenues," should equal the total project cost. Please use "Project Grant Application/NEA–3 (Rev.)."

Project Period and Deadline.—The project period for this program is January 1, 1976 through December 31, 1976. The beginning date of the project applied for must fall within this period, and the duration of the project should generally not exceed twelve months. Applications must be postmarked NO LATER THAN JUNE 1, 1975.

DANCE/FILM/VIDEO

In Fiscal Year 1976 limited funds will be available for projects involving dance and film or video. The Public Media and Dance Programs work in close cooperation in this area, and all applications are reviewed by both Programs. In general, applications for film or video projects which will result in a product intended for broad distribution to general audiences should be submitted to the Public Media Program. The appropriate application deadline in the Public Media Program is October 1, 1975.

Guidelines may be obtained by writing:

Public Media Program,
National Endowment for the Arts,
Washington, D.C. 20506.

Applications for projects in film and video designed to relate more specifically and exclusively to the dance field should be submitted to the Dance Program.

Given the limited funding available, priority consideration will be given to projects concerned with preservation, recording, archival and historic documentation. Also, consideration will be given to projects designed to explore and improve methods of capturing dance on film and video tape, and which seek to merge the artistry of both forms into a single product.

Deadline.—There is no specific deadline for submission of applications. However, applications must be submitted at least nine months prior to the anticipated beginning of the proposed project in order to permit adequate review by Dance and Public Media.

How to Apply.—Applicants should use the "Project Grant Application" form identified with "NEA–3 (Rev.)" in the upper left-hand corner of the first page.

A complete, concise description of the proposed project should be entered in the space provided on the first page of the application. A more detailed description of the project may be attached to the application. In the project description which appears on the first page of the application, please specify who will have primary artistic responsibility for the proposed project and include a career summary of the professional background for each person listed. If the project involves organizations or individuals other than the applicant organization and its employees, letters of agreement from all participants should be attached to the application form. In some cases the applicant will be requested to submit sample film or video work from the filmmaker or video artist to be involved.

All budgetary information should be provided in the appropriate sections on the application form, irrespective of the amount requested. If you feel it would be helpful in reviewing the application, a detailed budget may also be attached to the application. The budget may not include amounts for past deficits, entertainment, and/or contingencies. Only in rare instances will the purchase of permanent equipment be acceptable.

It will be a requirement of each grant made in this category that copies of the resulting film or videotape be deposited (1) with the Library of Congress, (2) with the Dance Collection of the New York Public Library, and (3) with the Public Media Program of the National Endowment for the Arts. Consequently, funds should be built into the Project Budget for costs of these three prints.

In most cases, grants will be at least dollar-for-dollar matching grants. Therefore, it is important to identify all sources of matching funds on the application form.

GENERAL PROGRAMS

The Endowment will consider applications for specific projects that do not fall into the categories outlined above. However, such projects must be in support of professional activity, and be of exceptional merit, outstanding quality, and demonstrated need. Where at all possible companies, individuals, and organizations should apply under the regular program Guidelines. Grants made under "General Programs" will usually be awarded on a matching basis.

Please note that there are some areas of activity the Endowment does not normally consider funding: Scholarships to individuals; study or travel abroad; building or renovation of physical facilities; purchase of permanent equipment; publication or research; general operating support.

Deadlines.—There are four application deadlines predicated upon the meetings of the Dance Advisory Panel and the National Council on the Arts for review of applications. Projects beginning *after* the date indicated in the right-hand column must be applied for by the corresponding deadline date in the left-hand column.

Deadline: February 1, 1975; June 1, 1975; August 1, 1975; and November 1, 1975.

For projects beginning after: July 1, 1975; November 1, 1975; February 1, 1976; and April 1, 1976.

REMINDERS

(1) *Each* organizational application ("Project Grant Application Form NEA–3 (Rev.).") must be accompanied by a copy of the organization's IRS tax-exempt determination letter.

(2) The application must be *signed* and *dated* by the appropriate people. NOTE: The Authorizing Official *must* be empowered to legally commit the Board of Directors.

(3) For both organizational and individual applications, please check *carefully* to be sure you have included all requested supplementary information for the program under which you are applying.

(4) *All* applications *must be postmarked* no later than the deadline date for the program under which you are applying. The Endowment regrets that because of review procedures applications postmarked after the appropriate deadline *cannot be considered.*

(5) Grants are usually less than the maximum dollar amount stated in the program. Applicants are particularly urged to budget realistically and present minimum figures of Federal support needed to achieve the purpose of the project and high standards of artistic excellence.

RESOLUTION ON ACCESSIBILITY TO THE ARTS FOR THE HANDICAPPED

One of the main goals of the National Endowment for the Arts is to assist in making the arts available to all Americans. The arts are a right, not a privilege. They are central to what our society is and what it can be. The National Council on the Arts believes very strongly that no citizen should be deprived of the beauty and the insights into the human experience that only the arts can impart.

The National Council on the Arts believes that cultural institutions and individual artists could make a significant contribution to the lives of citizens who are physically handicapped. It therefore urges the National Endowment for the Arts to take a leadership role in advocating special provisions for the handicapped in cultural facilities and programs.

The Council notes that the Congress of the United States passed in 1968 (Pub. L. 90-480) legislation that would require all public buildings constructed, leased or financed in whole or in part by the Federal Government to be accessible to handicapped persons. The Council strongly endorses the intent of this legislation and urges private interests and governments at the state and local levels to take the intent of this legislation into account when building or renovating cultural facilities. (Adopted by the National Council on the Arts, September 15, 1973.)

[FR Doc.74-28323 Filed 12-3-74;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 29, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency 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

National Bureau of Standards:
Survey on the Impact of Mechanical Properties of Metals Programs at NBS, Form —, Single time, Lowry (395-3772), Business firms.
WIC Participant Survey, Form NBS 1011, Single time, HRD (395-3532), Lowry (395-3772), Program eligibles.
WIC Non-Participant Survey, Form NBS 1012, Single time, HRD (395-3532), Lowry (395-3772), Program eligibles.

GENERAL SERVICES ADMINISTRATION

Contractors Report of Orders Received (Card Format), Form GSA 72-A, Monthly, Caywood (395-3443), Private business firms.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration: Survey for the National Prescription Drug Compendium Format, Form FDA 1101, Single time, Caywood (395-3443), Individuals.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: Medical Economic Research Project, Form HRANCHS 1120, Single time, Sunderhauf, Households in Wash. Co., Balto. Co., Balto. City & Columbia, Md.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service: Rail Transportation Requirements—Grain Warehouses, Form TW 575, Occasional, Evinger (395-3648), Country grain elevators.
Rural Electrification Administration: Annual Supplement to December 31 Financial and Statistical Report—REA Borrowers, Form REA 479a, Annual, Evinger (395-3648), REA telephone borrowers.

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis: Follow-Up Schedule of Expenditures for Property, Plant, and Equipment of U.S. Direct Investments Abroad, Form BE 133B, Annual, Hulett (395-4730), Corps. having foreign affiliates.

GENERAL SERVICES ADMINISTRATION

U.S. Government Lease for Real Property, Form SF 2, Occasional, Evinger (395-3648), Property owners leasing to U.S. Government.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Progress Report Title III, P.L. 89-329, Form OE 1126, Semiannual, Lowry (395-3772), Institutions of higher education.

DEPARTMENT OF LABOR

Employment Standards Administration: Request to be Selected as Payee, Form CM 910, Occasional, Caywood (395-3443), Person or institution who has legal guardianship over claimant.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-28425 Filed 12-3-74;8:45 am]

TARIFF COMMISSION

[TEA-W-254]

BAXTER WOOLEN CO. AND STRAFFORD PROCESSING CORP.

Workers' Petition for a 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 Baxter Woolen Co., Inc., Rochester, N.H., and Strafford Processing Corp., Rochester, N.H., the United States Tariff Commission, on November 27, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with woven fabrics, including laminated fabrics, of wool (of the types provided for in items 336.60 and 359.30 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 16, 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 in Room 437 of the Customhouse.

By order of the Commission.

Issued: November 27, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-28307 Filed 12-3-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

FEDERAL ADVISORY COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the Federal Advisory Council in Occupational Safety and Health, established under section 4(a) of Executive Order 11807 of 1974, Occupational Safety and Health Programs for Federal Employees, will meet on December 19 starting at 9:30 a.m. in Room 216 ABCD, Main Labor Building, 14th and Constitution Avenue, NW., Washington, D.C. The meeting will be open to the public.

The agenda provides for membership appointments and reappointments to the

Council, election of a vice chairman, and reports by the standinig committees on:

Federal Accident Reporting System
Federal Safety and Health Conferences
Field Federal Safety and Health Councils

The Council welcomes written data, views or comments concerning safety and health programs for Federal employees including comments on the agenda items. Such data may be filed, together with 20 copies thereof, with the Office of Federal Agency Safety Programs by the close of business on December 17. Any such submissions will be provided to members of the Council and included in the record of the meeting.

The Council will consider oral presentations related to agenda items. Persons wishing to orally address the Council at the meeting should submit a written request to be heard, together with 20 copies thereof, by the close of business December 13. The request must include the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation and an estimate of the amount of time needed.

Communications should be addressed to:

Gerard F. Scannell, Director
Office of Federal Agency Safety Programs
Room 410
Department of Labor, OSHA
1726 M Street, NW
Washington, D.C. 20210
Phone: (202) 961-3130

Signed at Washington, D.C. this 27th day of November 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-28238 Filed 12-3-74;8:45 am]

[V-73-32]

VESTAL MANUFACTURING COMPANY

Grant of Variance

I. *Background.* Vestal Manufacturing Company, P.O. Box 420, Sweetwater, Tennessee 37874 made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety anl Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a permanent variance, and for an interim order pending a decision on the application for a variance, from the safety standards prescribed in 29 CFR 1910.108(c)(3). The standard requires bottom drains in dip tanks of over 500 gallons liquid capacity. The facility affected by this application is:

Vestal Manufacturing Company
P.O. Box 420
Sweetwater, Tennessee 37874

Notice of the application, and of the granting of an interim order, was published in the FEDERAL REGISTER on October 31, 1973 (38 FR 30044). The notice invited interested persons, including affected employers and employees to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. No written comments or requests for a hearing have been received.

II. *Facts.* The applicant has three dip tanks set in concrete which are not equipped with bottom drains. The capacity of these tanks ranges from 514 gallons to 1645 gallons and they are all equipped with overflow pipes.

The paint room does not have a water sprinkler system. Instead, each of the tanks is equipped with a dual fire suppression system. At 120°F a fusible link parts closing the lid on the tank. This activates two 500 lb. foam extinguishers which blow foam under pressure through a two inch pipe, filling the space between the paint and the lid.

A maximum of four employees work in the paint room at any one time. There are two exits from the paint room, each within a five to ten second walk from the work stations. The building is constructed entirely of concrete block with a steel gable sheeted with asbestos. The hoists are air-operated, all wiring is explosion proof, smoking is prohibited in the entire building.

III. *Decision.* 29 CFR 1910.108(c)(3) requires that dip tanks of over 500 gallons in capacity which contain flammable or combustible liquids be equipped with bottom drains. The intent of the requirement is to quickly drain the tank in the event of fire, thus lessening the amount of fuel for the fire and reducing the intensity and duration of the fire. A second purpose is to reduce the volume of liquid in the tank so that water used in fighting a fire will not cause the tanks to overflow, spreading the fire.

Each of the applicant's dip tanks is protected by a dual fire suppression system which activates automatically at 120° F. At this temperature a fusible link parts closing the lid on the tanks and activating two 500 lb. fire extinguishers which force foam into the space between the paint and the lid. The lid and the foam fire extinguishing system would extinguish a fire in the tanks very rapidly and before they could be drained. Therefore, the addition of bottom drains would not add to employee safety.

In addition, in the event that large volumes of water are being used to fight a fire in the immediate area, the closed lids would prevent water from entering the tanks and causing a major spill of flammable liquids. The overflow pipes, installed in accordance with § 1910.108, would carry any overflow caused by the foam system to a safe location.

For these reasons it is determined that the applicant is providing a place of employment as safe as that which would be obtained by providing the bottom drains required by § 1910.108(c)(3).

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 12-71 (36 FR 8754), is is ordered that Vestal Manufacturing Company be, and it is hereby, authorized to operate its dip tanks without the bottom drains required by 29 CFR 1910.108(c)(3), provided that the dual fire suppression system, consisting of a fusible link which parts at 120°F closing the lid on the tanks and activating two 500 pound foam fire extinguishers which force foam into the space between the paint and the lid, is in place and is subject to appropriate preventive maintenance, and that the entire fire suppression system is periodically inspected to insure that it is in proper working condition. Access to the paint room shall be limited to those employees necessary for the painting operation. As soon as possible Vestal Manufacturing Company shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on December 3, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 26th day of November 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-28237 Filed 12-3-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 29, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before December 19, 1974.

FSA No. 42903—*Joint Water-Rail Container Rates—Mitsui O. S. K. Lines.* Filed by Mitsui O. S. K. Lines (No. 6), for itself and interested rail carriers. Rates on general commodities, between ports in Hong Kong, Japan, and Korea, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

FSA No. 42904—*Joint Water-Rail Container Rates—Japan Line, Ltd.* Filed by Japan Line, Ltd. (No. 6), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, and Taiwan, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

FSA No. 42905—*Joint Water-Rail Container Rates—Showa Line, Ltd.* Filed by Showa Line, Ltd. (No. 10), for itself and

interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, The Philippines, Taiwan, Malaysia, Indonesia, and The Republic of Singapore, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

FSA No. 42906—*Joint Water-Rail Container Rates—Nippon Yusen Kaisha.* Filed by Nippon Yusen Kaisha (No. 6), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, and Taiwan, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

By the Commission.

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

[FR Doc.74-28337 Filed 12-3-74;8:45 am]

[Notice No. 645]

ASSIGNMENT OF HEARINGS

NOVEMBER 29, 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 December 4, 1974.

MC 114273 Sub 182, Cedar Rapids Steel Transportation, Inc., and MC 119774 Sub 77, Eagle Trucking Company, now being assigned January 29, 1975 (3 days), at Denver, Colo., in a hearing room to be later designated.

MC 139841, Denver Trans-Corp., now being assigned February 3, 1975 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC 52709 Sub 324, Ringsby Truck Lines, Inc., and MC 124211 Sub 244, Hilt Truck Line, Inc., now being assigned February 5, 1975 (3 days), at Denver, Colo., in a hearing room to be later designated.

MC 74321 Sub 96, B. F. Walker, Inc., now being assigned February 10, 1975 (1 week), at Denver, Colo., in a hearing room to be later designated.

MC 129350 Sub 45, Charles E. Wolfe, Dba Evergreen Express, now being assigned hearing January 13, 1975, at Helena, Mont.

MC 51146 Sub 374, Schneider Transport, Inc., now being assigned January 14, 1975, at Indianapolis, Ind. (2 Days) in a hearing room to be later designated.

MC 53965 Sub 95, Graves Truck Line, Inc., now being assigned January 14, 1974 (3 days), at Denver, Colo., in a hearing room to be later designated.

MC 134903 Sub 1, Kentucky Motor Freight, Inc., now being assigned January 21, 1975 (1 week), at Frankfort, Ky., in a hearing room to be later designated.

MC 22229 Sub 85 Terminal Transport Company, Inc., now being assigned February 4, 1975 (3 days), at Harrisburg, Penn., in a hearing room to be later designated.

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

[FR Doc.74-28331 Filed 12-3-74;8:45 am]

[Notice No. 97]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 29, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 9269 (Sub-No. 18) (Republication), filed April 16, 1974, and published in the FEDERAL REGISTER issue of June 6, 1974, and republished this issue. Applicant: BEST WAY MOTOR FREIGHT, INC., 1765 Sixth Avenue South, Seattle, Wash. 98134. Applicant's representative: William J. Dahl (same address as applicant). An Order of the Commission, Operating Rights Board, dated October 21, 1974, and served November 18, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over regular routes, of *general commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Spokane County, Wash., as intermediate and off-route points in connection with carrier's authorized regular route operation; that applicant is fit, willing, and able properly to perform such service and conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate a modification to the territorial description. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 105375 (Sub-No. 48) (Republication), filed February 25, 1974, and published in the FEDERAL REGISTER issue of April 4, 1974, and republished this issue. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. An Order of the Commission, Operating Rights Board, dated October 21, 1974, and served November 20, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *liquid animal feed and liquid animal feed supplements*, in bulk, in tank vehicles, from Peru, Ill., to points in Iowa, restricted to the transportation of traffic originating at Peru, Ill., and destined to points in Iowa; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

NOTE.—The purpose of this republication is to indicate a change in the commodity description. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this poceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 117686 (Sub-Nos. 90 and 95) (Notice of filing of petition to add an origin point), filed November 14, 1974. Petitioner: HIRSCHBACH MOTOR LINES, INC., 500 S. Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Petitioner's representative: George L. Hirschbach (same address as petitioner). Petitioner holds motor *common carrier* certificates in MC 117686 (Sub-Nos. 90 and 95), issued May 8, 1969, and November 21, 1969, respectively, authorizing transportation, over irregular routes, in Sub-No. 90, *bakery goods*, not frozen, from the plant site and storage facilities of Johnson Biscuit Company, at Sioux City, Iowa, to points in Louisiana, Mississippi, Georgia, Alabama, and Tennessee, restricted to traffic originating at the above named plant site and storage facilities and destined to points in the named destination states; and in Sub-No. 95, *bakery goods*, not frozen, from the plant site and storage facilities of Johnson Biscuit

Company, at Sioux City, Iowa, to points in Florida, restricted to traffic originating at the said plant site and storage facilities. By the instant petition, petitioner seeks to add the origin point of the plant site and storage facilities at North Sioux City, Iowa, in the Sub-Nos. specified above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition with 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 133106 (Sub-No. 3 and 11) (notice of filing of petition to modify permit), filed November 20, 1974. Petitioner: NATIONAL CARRIERS, INC., 1501 E. 8th St., P.O. Box 1358, Liberal, Kans. 67901. Petitioner's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Petitioner holds motor *contract carrier* permits in No. MC 133106 (Sub-Nos. 3 and 11), issued December 21, 1973, and June 12, 1973, respectively, authorizing transportation, over irregular routes, of, in Sub-No. 3, (1) *drugs, medicines, toilet preparations, and disinfectants*, in vehicles equipped with mechanical refrigeration, from Lititz, Pa., to Rockford, Ill., and points in Washington, Oregon, California, Nevada, Utah, Idaho, Arizona, New Mexico, Colorado, Nebraska, Kansas, Oklahoma, Texas, Iowa (except points in that part of Iowa east of U.S. Highway 59), and Missouri (except points in that part of Missouri on and east of U.S. Highway 65); and (2) *drugs, medicines, toilet preparations, candy, confectionery, chewing gum, beverages preparations, and anti-acid mints*, in vehicles equipped with mechanical refrigeration, from Rockford, Ill., to points in Washington, Oregon, California, Nevada, Utah, Idaho, Arizona, New Mexico, Colorado, Nebraska, Kansas, Oklahoma, Texas, Iowa (except points in that part of Iowa east of U.S. Highway 59), Missouri (except points in that part of Missouri on and east of U.S. Highway 65), under continuing contract or contracts with Warner-Lambert Pharmaceutical Co., of Morris Plains, N.J.; and in Sub-No. 11, of (3) *drugs and medicines, confectionery dry beverage preparations, toothbrushes, chewing gum, chewing gum bases, store display racks and stands, and packaging materials, toilet preparations*, in mechanically refrigerated vehicles, from the plant sites and storage facilities of Warner-Lambert Company at or near Long Island City, N.Y., and North Bergen, N.J., to Columbus, Ohio, Rockford, Ill., Arlington, Tex., Anaheim, Calif., and Milwaukie, Oreg.; under a continuing contract or contracts with Warner-Lambert Company, of Morris Plains, N.J. By the instant petition, petitioner seeks to add Elk Grove Village, Ill., as a destination point in (1) and (3) above, and as an origin point in (2) above. Any interested person or or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135033 (Notice of filing of Petition to Eliminate a Service Restriction and Add Origin Points), filed November 15, 1974. Petitioner: SILVEY REFRIGERATED CARRIERS, INC., Gifford Rd. & South Omaha Bridge Rd., Council Bluffs, Iowa 51501. Petitioner's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Petitioner holds a motor *contract carrier* permit in No. MC 135033 issued August 12, 1974, authorizing transportation, over irregular routes, of *such commodities* as are dealt in by retail department stores (except foodstuffs), from points in Alabama, Connecticut, Kentucky (except Louisville and points in its commercial zone as defined by the Commission), Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Ohio (except Cincinnati, Cleveland, Columbus, and Toledo, and points in their respective commercial zone as defined by the Commission), to Omaha, Nebr. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of traffic destined to the facilities of J. L. Brandeis & Sons, Inc., G. McNew, Division of McCrory Corporation, Brinn & Jensen Company, Westside Supply Company, and Richman Gordman Stores, Inc., all at Omaha, Nebr. Said operations are limited to a transportation service to be performed under a continuing contract or contracts with J. L. Brandeis & Sons, Inc., G. McNew, Division of McCrory Corporation, Brinn & Jensen Company, Westside Supply Company, and Richman Gordaman Stores, Inc., all at Omaha, Nebr. By the instant petition, petitioner seeks to (1) eliminate the service restriction on Columbus, Ohio and (2) add Georgia and Illinois as additional origin points. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 138026 (Notice of Filing of Petition to Remove Restriction), filed November 18, 1974. Petitioner: LOGISTICS EXPRESS, INC., doing business as, LOGEX, 4727 Cecelia Street, Codahy, Calif. 90201. Petitioner's representative: William D. Taylor, 100 Pine Street, San Francisco, Calif. 94111. Petitioner holds a motor *common carrier* certificate in No. MC 138026, issued March 5, 1974, authorizing transportation, as pertinent, over irregular routes, of *Liquid hydrogen, liquid oxygen, and liquid nitrogen*, in bulk, in tank vehicles, between points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming. Restriction: The authority granted herein is restricted against the transportation of shipments moving to points which are not missile storage or missile launching sites, missile test facilities, or manufacturing plants producing liquid oxygen, liquid hydrogen, or liquid nitrogen. By the instant petition, petitioner seeks to delete the restriction above which reads: "Restriction: The authority granted herein is restricted against the transportation of shipments moving to points which are not missile storage or missile launching sites, missile test facilities, or manufacturing plants producing liquid oxygen, liquid hydrogen, or liquid nitrogen." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 139110 (Sub-No. 2) (Notice of Filing of Petition for Modification of Permit), filed November 18, 1974. Petitioner: MINN-CAL, INC., Box 657, Mandan, N. Dak. 58554. Petitioner's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Petitioner holds a motor *contract carrier* permit in No. MC 139110 (Sub-No. 2), issued September 30, 1974, authorizing transportation, over irregular routes, of *Such merchandise* as is dealt in by mail order houses, and *materials and supplies* used in conducting such business, between the facilities of Fingerhut Corporation at St. Cloud, Minn., on the one hand, and, on the other, points in California and Washington, under a continuing contract, or contracts, with Fingerhut Corporation, of St. Cloud, Minn. By the instant petition, petitioner seeks to modify the permit to read: "(1) *Such merchandise* as is dealt in by mail order houses, and *materials and supplies* used in conducting such business, between the facilities of Fingerhut Corporation at St. Cloud, Minn., on the one hand, and, on the other, points in California and Washington, under a continuing contract or contracts, with Fingerhut Corporation, of St. Cloud, Minn., and (2) *such merchandise* as is dealt in by mail order houses and *materials and supplies* used in conducting such business, from the facilities of Fingerhut Corporation at St. Cloud, Minn., to Denver, Colo. and Dallas, Tex., under a continuing contract or contracts with Fingerhut Corporation of St. Cloud, Minn." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210 a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–12366. Authority sought to continue in control of INTERIOR TRANSPORT, INC., 2124 Waterworks Way, Spokane, WA 99220, upon issuance of authority sought in No. MC 138256 (Sub Nos. 2 and 3). In such proceedings carrier seeks authority to operate as a motor contract carrier, over irregular routes. It now holds temporary authority under section 210a(a) of the Act in No. MC 138256 (Sub No. 1TA), generally corresponding to that sought in Nos. MC 138256 (Sub Nos. 2 and 3). JAMES WILLIAMS, now controls T–W TRANSPORT, INC., which holds motor contract carrier to transport wine and malt beverages, over irregular routes, from San Francisco, Azusa, Madera, and Van Nuys, Calif., and points in Napa County, Calif., to Spokane, Wash., with restriction. Applicants' attorney: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12367. Authority sought for purchase by THE ROBINSON FREIGHT LINES, INC., P.O. Box 10234, Knoxville, TN 37919, of a portion of the operating rights of DEALERS TRANSIT, INC., P.O. Box 361, Lansing, IL 60438, and for acquisition by JACK C. ROBINSON, also of Knoxville, TN 37919, of control of such rights through the purchase. Applicants' attorneys: Robert E. Joyner, and Warren A. Goff, both of 2008 Clark Tower, Memphis, TN 38137. Operating rights sought to be transferred: *Classes A and B explosives*, as a *common carrier* over irregular routes, between points in Knox County, Tenn., on the one hand, and, on the other, points in Tennessee (except between points in Knox County, Tenn., on the one hand, and, on the other, Memphis, Tenn., and points in its commercial zone in Tennessee), Kentucky, North Carolina, South Carolina, and Virginia. Vendee is authorized to operate as a *common carrier* in Tennessee. Application has not been filed for temporary authority under section 210a(b). Under the proposed transaction vendee proposes to tack the authority sought with its present authority to perform service between Knox County, Tenn., on the one hand, and, on the other, points in Tennessee, Kentucky, North Carolina, South Carolina, Virginia, and Jackson, Miss. After the authority sought herein is authorized and the transaction consummated, vendee herein intends to file an application to eliminate any existing gateways.

No. MC–F–12369. Authority sought for purchase by WILSON BUS LINES, INC., Main St., East Templeton, MA 01438, of the operating rights and property of TURNER MOTOR COACH, INC., 215 Crawford St., Fitchburg, MA 01490, and for acquisition by WILLIAM M. WILSON, and ANNA E. WILSON, both of 44 Lawrence St., Gardner, MA 01440, of control of such rights and property through the purchase. Applicants' attorney: Frank Daniels, 15 Court Square, Boston, MA 02108. Operating rights sought to be transferred: Passengers, as a common carrier, over regular routes, between Fitchburg, Mass., and Nashua, N.H., serving all intermediate points between Fitchburg and the Massachusetts-New Hampshire State line; passengers and their baggage, and etc., over irregular routes, beginning and ending at points in Worcester County, Mass., points in that part of Middlesex County, Mass., west of a line extending from the Middlesex Worcester County line along Interstate Highway 495 to junction U.S. Highway 3, thence along U.S. Highway 3 to the New Hampshire-Massachusetts State line, and Marlboro, Hudson, and Maynard, Mass., and extending to points in the United States, except those in Hawaii, with restriction, beginning and extending at Marlboro, Maynard, and Hudson, Mass., and extending to Hudson, Nashua, East Jaffrey, Pelham, and Derry, N.H., and Pawtucket and Central Falls, R.I., from certain specified points in Massachusetts, to certain specified points in New Hampshire, and Pawtucket and Central Falls, R.I., and return, beginning and ending at Fitchburg, Mass., and extending to Keene, N.H., beginning and ending at Athol, Ayer, Clinton, Fitchburg, Groton, Gardner, Hudson, Leominster, Marlboro, Maynard, Orange, Petersham, Templeton, Westford, and Winchendon, Mass., and extending Greenville, N.H., from Fitchburg, Mass., and points in Massachusetts within 40 miles of Fitchburg, and New York, N.Y., to the District of Columbia, points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Ohio, Indiana, Illinois, Iowa, Nebraska, Colorado, New Mexico, Arizona, California, Oregon, Washington, Montana, South Dakota, Michigan, Virginia, North Carolina, South Carolina, Tennessee, Florida, Georgia, Wyoming, and the ports of entry in the above named states adjoining the United States-Canada boundary line and return, with restrictions, from Nashua, N.H., and New York, N.Y., to Fitchburg, Mass., and points in Massachusetts within 40 miles of Fitchburg, from Northampton, Mass., to Fairlee, Vt., from Enfield, N.H., to Providence, R.I., and points in Massachusetts, from Hanover, N.H., to Fairlee, Vt., from Fitchburg, Mass., to Hampton, N.H., and return; from Fitchburg, Mass., to Hampton, N.H. Vendee is authorized to operate as a common carrier in Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12370. Authority sought for purchase by NORTH PARK TRANSPORTATION CO., 5150 Columbine St., Denver, Co. 80203. Operating rights and property of FRANK RUMSEY AND BERNARD RUMSEY, doing business as RUMSEY TRANSFER COMPANY, P.O. Box 767, Wheatland, WY 82201, and for acquisition by PETER B. KOOI, also of Denver, CO 80216, of control of such rights and property through the purchase. Applicants' attorney: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., Denver, Co., 80203. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier*, over regular routes from Denver, Colo., to Chugwater, Wyo., and 25 miles, including service to named intermediate and off-route points, subject to restrictions; *crushed rock*, over irregular routes, from Platte County, Wyo., to certain specified points in Colorado and Wyoming; and *electrical substations permanently mounted on shipper-owner trailers*, as a *contract carrier*, over irregular routes, between points in Wyoming, Colorado, and that part of Nebraska lying on and west of U.S. Highway 83, with restriction. Vendee is authorized to operate as a *common carrier* in Colorado and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12371. Authority sought for purchase by WITTE TRANSPORTATION COMPANY, 2481 Cleveland Ave., North St. Paul, MN 55113, of the operating rights of THOMAS R. ANDERSEN, doing business as NORTH ST. PAUL TRANSFER, 2460 E. 13th Ave., North St. Paul, MN 55109, and for acquisition by SPACE CENTER, INCORPORATED, 444 Lafayette Rd., St. Paul, MN 55101, of control of such rights through the purchase. Applicants' attorney: William S. Rosen, 630 Osborn Bldg., St. Paul, MN 55102. Operating rights sought to be transferred: *General commodities* with exceptions, as a *common carrier* over irregular routes, between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, North St. Paul, Minn., and points in Minnesota within 15 miles of North St. Paul. Vendee is authorized to operate as a *common carrier* in Iowa, Kansas, Minnesota, Missouri, and Wisconsin. Application has not been filed for temporary authority under section 210a(b). Under the proposed transaction vendee proposes to tack its authority at Oakdale so as to provide a through service between points that vendor is authorized to serve and points that vendee is authorized to serve. After the authority herein is authorized and the transaction consummated, vendee herein intends to file an application to eliminate any existing gateways.

NOTICE

Chicago and North Western Transportation Company, 400 West Madison Street, Chicago, Illinois 60606, represented by Mr. Stuart F. Gassner of the same address, hereby gives notice that on November 8, 1974, in Finance Docket No. 27786, it filed an application under

Section 5(2) of the Interstate Commerce Act for approval of an agreement authorizing the lease of operations and trackage of the East St. Louis Junction Railroad Company in and about National City, St. Clair County, Illinois. The total amount of trackage to be leased and operated by C.N.W. is 7.9 miles and applicant alleges that no shippers or receivers will be adversely affected.

In the opinion of applicant, the Commission's action requested approval of the lease of operations and tracks of the East St. Louis Junction Railroad Company is not a major federal action having any significant impact on the human environment and will not adversely affect the quality of that human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations 49 CFR 1100.250 in Ex Parte No. 55(Sub-No. 4), *Implementation—National Environmental Policy Act, 1969*, 340 ICC 431 (1972). Any protest may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of human environment. If any such affect is alleged to be present, this statement shall set forth information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4) supra Part (b) (1)–(5) 340 ICC 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating the need for such hearings. Any protests submitted shall be filed with the Commission no later than thirty (30) days from the date of first publication in the FEDERAL REGISTER.

Finance Docket No. 27589 (Petitions for Reopening and Modification to Approve and Authorize Participation of 99 Additional Common Carriers by Railroad) (AMERICAN RAIL BOX CAR COMPANY AND TRAILER TRAIN COMPANY ET AL.—for approval of the pooling of car service in respect to box cars), published in the March 12, 1974, issue of the FEDERAL REGISTER. By two separate petitions both filed October 31, 1974, ninety-nine additional common carriers by railroad seek modification of the report and order of August 1, 1974, as modified by supplemental report and order of September 24, 1974, which approved the box car pooling agreement in the above-entitled proceeding, subject to conditions, in order to permit the petitioning railroads to join in the box car pooling arrangement as full and equal participants. The ninety-nine petitioning railroads are:

Alabama Great Southern Railroad Company
Apalachicola Northern Railroad Company
Arkansas & Louisiana Missouri Railway Company
Arkansas Western Railway Company
Atlanta & West Point Railroad Company
Atlantic and East Carolina Railway Company
Baltimore and Ohio Chicago Terminal Railroad Company
Bessemer and Lake Erie Railroad Company
Birmingham Southern Railroad Company
Camas Prairie Railroad Company
Camp Lejeune Railroad Company
Cedar Rapids and Iowa City Railway Company
Central Vermont Railway, Inc.
Chesapeake Western Railway
Chicago & Illinois Western Railroad
Cincinnati, New Orleans & Texas Pacific Railway Company
Clinchfield Railroad Company
Columbia, Newberry and Laurens Railroad Company
De Queen and Eastern Railroad Company
Detroit and Mackinac Railway Company
Duluth Missabe and Iron Range Railway Company
Duluth, Winnipeg & Pacific Railway Company
Elgin, Joliet and Eastern Railway Company
Fairport, Painesville and Eastern Railway Company
Fort Smith and Van Buren Railway Company
Gainesville Midland Railroad Company
Georgia Northern Railway Company
Georgia Railroad
Georgia Southern and Florida Railway Company
Grand Trunk Western Railroad Company
Great Plains Railway Company
Green Bay and Western Railroad Company
High Point, Thomasville & Denton Railroad Company
Holton Inter-Urban Railway Company
Illinois Terminal Railroad Company
Interstate Railroad Company
Kansas and Missouri Railway and Terminal Company
Lake Erie and Fort Wayne Railroad Company
Lake Erie, Franklin & Clarion Railroad Company
Lancaster and Chester Railroad Company
Laurinburg and Southern Railroad Company
Lehigh Valley Railroad Company
Live Oak, Perry and South Georgia Railway Company
Longview, Portland & Northern Railway Company
Lorain & West Virginia Railway Company
Louisiana & Arkansas Railway Company
Louisiana Midland Railway Company
Louisiana Southern Railway Company
Maine Central Railroad Company
Minneapolis, Northfield and Southern Railway
Minnesota, Dakota & Western Railway Company
Mississippi and Skuna Valley Railroad Company
Mississippi Export Railroad Company
Mount Hood Railway Company
New Jersey, Indiana & Illinois Railroad Company
New Orleans Terminal Company
Newburgh and South Shore Railway Company
Norfolk, Franklin and Danville Railway Company
Norfolk Southern Railway Company
Northampton and Bath Railroad Company
Northwestern Pacific Railroad Company
Oregon Pacific and Eastern Railway Company
Pecos Valley Southern Railway Company
Petaluma and Santa Rosa Railroad Company
Pennsylvania-Reading Seashore Lines
Port Huron and Detroit Railroad Company
Port Railroad, Inc. d/b/a San Francisco Belt Railroad
Portland Traction Company
Providence and Worcester Company
Quanah, Acme & Pacific Railway
Raritan River Railroad Company
Roscoe, Snyder and Pacific Railway Company
St. Johns River Terminal Company
San Diego & Arizona Eastern Railway Company
San Luis Central Railroad Company
Sandersville Railroad Company
Santa Maria Valley Railroad Company
Spokane International Railroad
State University Railroad Company
Staten Island Railroad Corporation
Tennessee, Alabama & Georgia Railway Company
Tennessee Railway Company
Terminal Railroad Association of St. Louis
Texas & Northern Railway Company
Texas, Oklahoma & Eastern Railroad Company
Texas South-Eastern Railroad Company
Toledo Terminal Railroad Company
Trona Railway Company
Union Railroad Company
Valley & Siletz Railroad Company
Vermont Railway Inc.
Visalia Electric Railroad Company
Washington, Idaho & Montana Railway Company
Waterloo Railroad Company
Western Railway of Alabama
Winfield Railroad Company
Winston-Salem Southbound Railway Company
Yakima Valley Transportation Company
Yreka Western Railroad Company

PROPOSED NOTICE

Burlington Northern Inc., a common carrier by rail, with headquarters at St. Paul, Minnesota hereby gives notice that on November 13, 1974, it filed an application with the Interstate Commerce Commission pursuant to Section 5(2) of the Interstate Commerce Act for an order authorizing trackage rights over approximately 1.2 miles of Union Pacific Railroad Company trackage near Lincoln, Nebraska. This application has been assigned Finance Docket No. 27790. The line of Union Pacific Railroad Company over which Burlington Northern Inc. seeks trackage rights is located near Lincoln, Lancaster County, Nebraska in the vicinity of the Union Pacific trackage near Oak Creek.

Applicant Burlington Northern Inc.'s attorney is Richard M. Gleason, Assistant General Counsel, Burlington Northern Inc., 176 East Fifth Street, St. Paul, Minnesota 55101.

In the opinion of the Applicant, the proposal is not a major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factor set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than thirty (30) days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.74-28339 Filed 12-3-74;8:45 am]

[Notice No. 159]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 26, 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 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 63973 (Sub-No. 16TA), filed November 18, 1974. Applicant: KALER FREIGHT LINES, INC., 504 12th St. SE., Mason City, Iowa 50401. Applicant's representative: Gerald Kaler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Lake Mills, Iowa, as an off route point in conjunction with carrier's other authorized regular route operations, for 180 days.

NOTE.—Applicant indicates intent to tack with its lead docket MC 63973 at Mason City, Iowa.

Supporting shipper: Deluxe Products Division of Walker Manufacturing Co., A Tenneco Co., 311 North Park, Lake Mills, Iowa 50450. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 14552 (Sub-No. 57TA) (Correction), filed October 22, 1974, published in the FEDERAL REGISTER issue of November 4, 1974, and republished as corrected this issue. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a Corporation, 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between the plant site and warehouses of Thorofare Markets, Inc., in Austintown Township, Mahoning County, Ohio, on the one hand, and, on the other, the retail distribution centers of Thorofare Markets, Inc., located at or near Morgantown, Fairmont, Grafton, Nutter Fort, Clarksburg, St. Albans, Point Pleasant, Ravenswood, Huntington, Smithers, Oak Hill, Parkersburg, and Moundsville, W. Va.; and Jeannette, Latrobe, North Apollo, Johnstown, Blairsville, Lower Burrell, Somerset, Leechburg, Murrysville, and North Huntingdon, Pa.; and Ashland, Ky., restricted to traffic originating at and/or destined to the above-named origins and destinations, for 180 days. Supporting shippers: Thorofare Markets, Inc., P.O. Box 237, Pittsburgh, Pa. 15230. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

NOTE.—The purpose of this republication is to add some more destinations.

No. MC 139922 (Sub-No. 1TA), filed November 6, 1974. Applicant: C. A. BOYD, doing business as C. A. BOYD TRUCKING, Route 7, Box 166, Sylvania, Ga. 30467. Applicant's representative: Archie B. Culbreth, 1252 W. Peachtree St. NW., Room 246, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides or skins*, green, salted, from points in Richmond County, Ga., to points in Delaware, Maine, New Jersey, Massachusetts, and New York, for 180 days. Supporting shipper: Shapiro Packing Co., Inc., P.O. Box 119, Augusta, Ga. 30903. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 140306 (Sub-No. 1TA), November 8, 1974. Applicant: C & H COURIERS, INC., 2206 Hanfred Lane, Tucker, Ga. 30084. Applicant's representative: James L. Flemister, 1220 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doctors, dentist, and hospital equipment and supplies*, between points in Henry and DeKalb Counties, Ga., on the one hand, and, on the other, points in Greenville, Spartanburg, and Anderson Counties, S.C., for 180 days. Supporting shipper: American Hospital Supply Corporation, 2115 American Industrial Way, Chamblee, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 140398 TA, filed November 15, 1974. Applicant: LARRY R. MEREDITH, doing business as MEREDITH TRUCKING COMPANY, Route 1, Salem, W. Va. 26426. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, P.O. Box 426, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Taylor, Harrison, Marion, Monongalia, Barbour, Preston, Upshur, and Lewis Counties, W. Va., to Brilliant, Beverly, Philo, and Porterfield, Ohio, for 180 days. Supporting shippers: Pine Tree Corporation, 509 Union Bank Bldg., Clarksburg, W. Va. 26301, Att.: Guy E. Morris, Jr., Pres., and Ann Lorentz Coal Company, Inc., P.O. Box 695, Buckhannon, W. Va. 26201, Att.: Dale F. Riggs, Pres. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 140399 TA, filed November 19, 1974. Applicant: ALBERT RELL PECK, doing business as PECK'S, Salem, Ky. 42078. Applicant's representative: Richard H. Peek, Box 8, Smithland, Ky. 40281. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Limestone and limestone products*, from Smithland, Ky., to points in Massac, Pope, and Hardin Counties, Ill.; Mississippi, Stoddard, Scott, and New Madrid Counties, Mo.; and Lake, Obion, Dyer, Weakley, Gibson, Henry, and Carroll Counties, Tenn.; and (2) *Coal and Coke*, from Dawson Springs, Ky., to points in Humphreys and Shelby Counties, Tenn., and Herculaneum, Mo., for 180 days. Supporting shippers: J. E. LeBlanc, President, Three Rivers Rock Co., P.O. Box 218, Smithland, Ky. 42081 and D. J. Joyce, Vice President, Chemical Coke Co., P.O. Box 444, Dawson Springs, Ky. 42408. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 140401 TA, filed November 19, 1974. Applicant: W. J. (Wes) LEBLANC, doing business as WHOLESALE PRODUCE, P.O. Box 5079, 2020 McLean Blvd., Eugene, Oreg. 97405. Applicant's representative: W. J. LeBlanc (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except commodities in bulk and household goods as defined by the Commission), from Eugene, Oreg., to Yakima, Wash., over Interstate Highways I-5 and I-80 and U.S. Highway 97, for 180 days. Supporting shipper: Bi-Mart, 145 N. Cleveland, Eugene, Oreg. 97402. Send protests to: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 114

Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 140402 TA filed November 19, 1974. Applicant: TOM SMITH TRUCKING, 2277 N. Locust Street, Canby, Oreg. 97013. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 SW. Alder Street, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* on behalf of Western Kraft Corporation, from the plant site of Western Kraft Corporation at Beaverton, Oreg., to the plant site of Western Kraft Corporation at Buena Park, Calif., for 180 days. Supporting shipper: Western Kraft Corporation—Bag Division, 5800 SW. Western Avenue, Beaverton, Oreg. 97005. Send protests to: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

By the Commission.

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

[FR Doc.74-28335 Filed 12-3-74;8:45 am]

[Notice No. 160]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 27, 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 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 531 (Sub-No. 301TA), filed November 20, 1974. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs, P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid manure*, in bulk, in tank vehicles, from points in the United States (except Alaska and Hawaii), to seaports in Lake Charles, La., and in the states of Washington and California for export only, for 180 days. Supporting shipper: R. J. B. Sales, Inc., Route 3, Woodbury, Tenn. 37190. Send protests to: District Supervisor John Mensing, Interstate Commerce Commission, Bureau of Operations, 515 Rusk, Room 8610, Federal Building, Houston, Tex. 77002.

No. MC 8948 (Sub-No. 108TA), filed November 22, 1974. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, P.O. Box 58267, Los Angeles, Calif. 90058. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Uncrated new furniture, furnishings, accessories, and household appliances*, and *related parts and accessories thereto*, in cartons or packages, when moving in the same vehicle with the uncrated new furniture, furnishings, accessories, and household appliances to which they are appurtenant, (1) between Barstow, Calif., and Las Vegas, Nev., via Interstate Highway 15, serving all points in Clark County, Nev., as off-route points, and (2) between Reno, Nev., and Las Vegas, Nev., over regular routes, serving no intermediate points: From Reno, Nev., over Alternate U.S. Highway 95 to junction U.S. Highway 95, thence over U.S. Highway 95 to Las Vegas, Nev., and return over the same route, for 180 days. Restriction: Traffic is restricted to shipments moving to, from, or through California.

NOTE.—Applicant states it will tack with the authority held in docket No. MC 8948 (base docket) and subs 55, 100, and 101, and points of joinder of requested temporary authority will be Barstown, Calif., and Reno, Nev.

Supporting shippers: There are approximately 31 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: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 45764 (Sub-No. 23TA), filed November 22, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., Industrial Hwy. & Saville Ave., P.O. Box 38, Eddystone, Pa. 19013. Applicant's representative: Edward Kells (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical generating equipment*, the transportation of which, because of size and weight require the use of special equipment or special handling, and related material supplies used in the installation thereof, between El Segundo, Oakland, and San Francisco, Calif., West Palm Beach, Fla., Baltimore, Md., Minneapolis, Minn., Philadelphia, Pa., Windsor, Conn., and Holtsville, N.Y. for 180 days. Supporting shipper: Turbo Power & Marine Systems, Inc., 1690 New Britain Ave., Farmington, Conn. 06032. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 113388 (Sub-No. 106TA), filed November 21, 1974. Applicant: LESTER C. NEWTON TRUCKING CO., a Corporation, P.O. Box 618, Seaford, Del. 19973. Applicant's representative: Charles Ephraim, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Downingtown, Pa., to points in Connecticut, Maine, Rhode Island, Massachusetts, New Hampshire, Vermont, and New York, except that portion of New York south and east of a line beginning at the Connecticut-New York State line and extending along U.S. Highway 44 to its intersection with U.S. Highway 209, thence along U.S. Highway 209 to the New York-New Jersey State line, for 180 days. Restriction: Service from Downingtown, Pa., shall be limited to partial pickup of shipments with traffic originating at Salisbury, Md. Supporting shipper: Richard J. Lloyd, Manager-Transportation, Campbell Soup Company, Salisbury, Md. 21801. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 116133 (Sub-No. 13TA), filed November 14, 1974. Applicant: POLLARD DELIVERY SERVICE, INC., Washington National Airport, Hanger #8 Room 213, Washington, D.C. 20001. Applicant's representative: Joseph Earley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which because of size or weight require special equipment), moving in substitute for air service under through air bills of direct or indirect air carriers, between John F. Kennedy International Airport, New York, N.Y., Newark, N.J., and Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, Baltimore Washington International Airport, Baltimore, Md., Washington National Airport, Gravelley Point, Va., and Dulles International Airport, Chantilly, Va., for 180 days. Supporting shippers: Burlington Northern Air Freight, 6755 Elkridge Landing Road,

Linthicum, Md. 21090, Profit By Air, 150–15 183rd Street, Springfield Gardens, N.Y. 11413, and Emery Air Freight Corp., Balto.-Wash. International Airport, Baltimore, Md. 21240. Send protests to: W.C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 126246 (Sub-No. 7TA), filed November 19, 1974. Applicant: AMERICAN TRANSFER AND STORAGE COMPANY, a Corporation, 2665 Villa Creek Drive, P.O. Box 34410, Dallas, Tex. 75234. Applicant's representative: Phillip Robinson, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Arkansas, Baxter, Cleburne, Conway, Faulkner, Fulton, Garland, Grant, Hot Spring, Independence, Izard, Jefferson, Lonoke, Marion, Perry, Prairie, Pulaski, Saline, Searcy, Sharp, Stone, Van Buren, and White Counties, Ark., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Little Rock AFB / LGTT / Transportation Squadron, LGTT, Little Rock AFB, Ark. 72076. Send protests to: Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 126503 (Sub-No. 8TA), filed November 19, 1974. Applicant: COMMAND DELIVERIES, INC., 5215 Hesperus Drive, Columbia, Md. 21044. Applicant's representative: Steven L. Weiman, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Processed and unprocessed photographic film, photographic equipment, materials, and supplies*, and *related advertising materials and displays*, from Alexandria, Va., to points in Delaware, Maryland, Martinsburg, W. Va., points in New Jersey south of New Jersey Highway 38, points in Franklin, Fulton, Adams, Bedford, Lancaster, Cumberland, York, Dauphin, Chester, Montgomery, Delaware, Lebanon and Bucks Counties, Pa.; and (2) *Return shipments of such commodities* referred to in (1) above, from the destination described in (1) above, to Alexandria, Va., for 180 days. Restriction: Restricted to same day round-trip service performed in the transportation of shipments originating at or destined to the facilities of Cullen Photo Service, Inc., at Alexandria, Va., and to be performed under a continuing contract or contracts with Cullen Photo Service, Inc. Supporting shipper: Charles W. Cullen, President, Cullen Photo Service, Inc., 735 N. Asaph Street, Alexandria, Va. 22314. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

NOTE.—Applicant states that it will not tack or interline with any other carriers.

No. MC 126539 (Sub-No. 19TA), filed November 22, 1974. Applicant: KATUIN BROS., INC., 102 Terminal Street, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in packages, from Rock Island, Ill., to points in Iowa, for 180 days. Supporting shipper: Morton Salt Company, a Division of Morton International, Inc., 9575 Higgins Road, Rosemont, Ill. 60018. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 135082 (Sub-No. 14TA), filed November 21, 1974. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road NE., Albuquerque, N. Mex. 87107. Applicant's representative: Don F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Brick and tile* requiring special equipment for loading or unloading, and *commodities* incidental to the installation of same when not exceeding 10 percent of total shipping weight, from Pueblo and Trinidad, Colo., to points in California, Nevada, and Oregon, for 180 days. Supporting shipper: Summit Pressed Brick and Tile Company, P.O. Box 533, Pueblo, Colo. 81002. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 135725 (Sub-No. 14TA), filed November 19, 1974. Applicant: FRY TRUCKING, INC., 507 W. 5th St., Wilton, Iowa 52778. 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: *Feed ingredients, minerals, ground ores, fertilizer ingredients, and pigments*, from Springfield, Ill., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Wisconsin, for 180 days. Supporting shipper: Westmin Corporation, P.O. Box 822, Quincy, Ill. 62301. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 136318 (Sub-No. 29TA), filed November 22, 1974. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 5627, High Point, N.C. 27262. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Los Angeles, Calif., to points in the United States (except Alaska and Hawaii) and *returned, refused, and rejected new furniture*, from points in the United States (except Alaska and Hawaii), to Los Angeles, Calif., for 180 days. Restrictions: Restricted to traffic originating at or destined to the facilities utilized by Mission Furniture Manufacturing Co., and further restricted to a transportation service to be performed under a continuing contract or contracts with Mission Furniture Manufacturing Co. Supporting shipper: Mission Furniture Manufacturing Co., 652 South Imperial Street, Los Angeles, Calif. 90021. Send protests to: Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road—CC516, Charlotte, N.C. 28205.

No. MC 138054 (Sub No. 4TA), filed November 19, 1974. Applicant: CONDOR CONTRACT CARRIERS, INC., P.O. Box 1354, Garden Grove, Calif. 92642. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Garbage disposal units and waste compactor units, and parts and accessories therefor*, from Racine, Wis., to points in Washington, Oregon, and California, for 180 days. Restrictions: Restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted against the transportation of commodities which by reason of size or weight require the use of special equipment and further restricted to a transportation service to be performed under a continuing contract, or contracts with Emerson Electric Co. Supporting shipper: Emerson Electric Co., 8100 West Florissant, St. Louis, Mo. 63136. Send protests to: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 139254 (Sub-No. 1TA), filed November 21, 1974. Applicant: BROOKS TRANSPORTATION, INC., 30650 Carter Road, Solon, Ohio 44139. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clothing and wearing apparel and all components* used in the manufacture thereof, and (2) *materials, supplies, equipment, machinery, and machinery parts and accessories* used in the manufacture, distribution, packaging, and sale of the commodities set forth in (1) above (except commodities in bulk and commodities which because of their size or weight require the use of special equipment), (a) between points in Illinois, Missouri, Ohio, West Virginia, Wisconsin, North Carolina, Georgia, Alabama, Florida, Tennessee, Mississippi, Arkansas, Pennsylvania, New York, and

South Carolina, restricted to traffic moving from or to clothing and textile manufacturing and processing contractors or plants, warehouses, terminals, distribution centers and shipping and receiving facilities of Bobbie Brooks, Inc., and its subsidiaries and divisions, and (b) between Ripley, Tenn.; Rock Hill, S.C.; Solon, Cleveland, and Belair, Ohio; Atlanta, Morrow, and Rome, Ga.; Hialeah, Miami, and Tampa, Fla.; Irvington and New York City, N.Y.; Butler, Lock Haven, and Washington, Pa.; Gadsden, Ala.; Helena, Ark.; and Charleston, W. Va., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, Maine, Vermont, North Dakota, South Dakota, Wyoming, and Montana), restricted against the movement of all clothing and wearing apparel (whether on hangers or in cartons), *materials, supplies, and equipment* used in the manufacture thereof, between Irvington and New York City, N.Y.; Butler, Lock Haven, and Washington, Pa.; and points in Pennsylvania east of the Susquehanna River; and points in New Jersey, for 180 days. Supporting shipper: Bobbie Brooks, Inc., 3830 Kelley Avenue, Cleveland, Ohio. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 139460 (Sub-No. 16TA), filed November 22, 1974. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. 12828. Applicant's representative: J. Fred Relyea (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the ports of entry on the United States-Canada boundary line at or near Champlain and Trout River, N.Y., and Derby, Highgate, and Norton, Vt., to points in New York on and east of U.S. Highway 81, exclusive of points in Clinton, Essex, Franklin, Hamilton, Herkimer, Jefferson, Lewis, Saratoga, St. Lawrence, Warren and Washington Counties; to points in Pennsylvania on and east of U.S. Highway 81 and north of U.S. Highway 80; and to points in Massachusetts on and west of U.S. Highway 5, for 180 days. Supporting shipper: Petrolane-Northeast Gas Service, Inc., Wholesale Fuel Manager, 644 Danbury Road, Wilton, Conn. 06897. Send protests to: Robert A. Radler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 New Federal Building, Albany, N.Y. 12207.

MOTOR CARRIERS OF PASSENGERS

No. MC 125765 (Sub-No. 2TA), filed November 20, 1974. Applicant: ROBERT LEE ZIMMERMAN AND BARBARA ANN ZIMMERMAN, doing business as B & B BUS LINE, 232 Sycamore Road, Linthicum, Md. 21090. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, during the authorized racing season at Penn National Race Course, between Linthicum, Md. and The Westview Shopping Center, located at or near Catonsville, Md., on the Baltimore National Pike at the intersection of U.S. Highway 40 and Interstate Highway 695, on the one hand, and, on the other, the Penn National Race Course, located at or near Grantville, Pa., for 180 days. Supporting shippers: John J. Shumaker, President & General Manager, Penn National Race Course, P.O. Box 32, Grantville, Pa. 17028 and William J. Bork, President & General Manager, Mountainview Thoroughbred Racing Association, Penn National Race Course, P.O. Box 32, Grantville, Pa. 17028. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

By the Commission.

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

[FR Doc.74-28338 Filed 12-3-74;8:45 am]

[Notice No. 39]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 29, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4 (c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before January 3, 1975.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 61788 (Deviation No. 4), GEORGIA FLORIDA ALABAMA TRANSPORTATION CO., P.O. Box 2268, Dothan, Ala. 36302, filed November 21, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Montgomery, Ala., over U.S. Highway 80 to junction Interstate Highway 20, thence over Interstate Highway 20 to Meridian, Miss., thence over Interstate Highway 59 to junction U.S. Highway 49, thence over U.S. Highway 49 to Hattiesburg, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Montgomery, Ala., over U.S. Highway 31 to junction U.S. Highway 98, thence over U.S. Highway 98 to Hattiesburg, Miss., and return over the same route.

By the Commission.

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

[FR Doc.74-28332 Filed 12-3-74;8:45 am]

[AB 90 Sub-No. 1]

CATON AND LOUDON RAILWAY CO.

Abandonment Between East Side of Loudon Park Cemetery and Frederick Road in Catonsville, Baltimore County, Maryland

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Baltimore County, Md., on or before December 15, 1974, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 21st day of November 1974.

By the Commission, Commissioner Tuggle.

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

CATON AND LOUDON RAILWAY COMPANY ABANDONMENT BETWEEN EAST SIDE OF LOUDON PARK CEMETERY AND FREDERICK ROAD IN CATONSVILLE, BALTIMORE COUNTY, MARYLAND

The Interstate Commerce Commission hereby gives notice that by order dated November 20, 1974, it has been determined that the proposed abandonment by the Caton and Loudon Railway Company of its line of railroad in Catsonville, Baltimore County, Maryland, a distance of 3.8 miles between Loudon

Park Cemetery and Frederick Road, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332 (2) (C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed action are not considered significant because applicant has applied to abandon public rail operations only over the line and that inasmuch as no traffic has occurred over the line for the past 2 years, approval of the abandonment will not result in any diversion of traffic from rail to truck. The applicant desires to convert the right-of-way to private rail use either as a private spur line or a recreational railroad or both.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before December 30, 1974.

This negative environmental determination shall become final unless good and sufficient reason is filed to demonstrate why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.74-28330 Filed 12-3-74;8:45 am]

[AB 5; Sub-No. 94]

PENN CENTRAL TRANSPORTATION CO.

Abandonment of Track

In the matter of: George P. Baker, Richard C. Bond, Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Company, debtor, abandonment between Zionsville and Lebanon, Boone County, Indiana.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Boone County, Ind., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 20th day of November, 1974.

By the Commission, Commissioner Tuggle.

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

GEORGE P. BAKER, RICHARD C. BOND, JERVIS LANDON, JR., TRUSTEES OF THE PROPERTY OF PENN CENTRAL TRANSPORTATION COMPANY, DEBTOR, ABANDONMENT BETWEEN ZIONSVILLE AND LEBANON, BOONE COUNTY, INDIANA

The Interstate Commerce Commission hereby gives notice that by order dated November 20, 1974, it has been determined that the proposed abandonment by the Penn Central Transportation Company of its leased line of railroad from Zionsville to Lebanon in Boone County, Ind., a distance of approximately 11.4 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2) (C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed abandonment are not considered significant because (1) the amount of traffic handled on the subject line has been low and has not justified needed rehabilitation which would be in excess of $252,000, and (2) there are adequate alternate highways in the area. In addition, any resultant diversion from rail to motor carrier service will have negligible impacts on the affected area's air and water quality. Although this line has been used in the past to handle an occasional Amtrak passenger train, while the main route is being repaired, there are a number of alternate lines which could be used to handle the passenger trains, without any resulting significant, adverse environmental impact.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before December 19, 1974.

[FR Doc.74-28334 Filed 12-3-74;8:45 am]

[AB 1; Sub-No. 7]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Stanwood and Tipton, Cedar County, Iowa

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Cedar County, Iowa, within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 20th day of November, 1974.

By the Commission, Commissioner Tuggle.

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

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN STANWOOD AND TIPTON, CEDAR COUNTY, IOWA

The Interstate Commerce Commission hereby gives notice that by order dated November 20, 1974, it has been determined that the proposed abandonment by the Chicago and North Western Transportation Company of its line of railroad from Stanwood to Tipton, all in Cedar County, Iowa, a total distance of approximately 8.7 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2) (C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed action are not considered significant because any impacts on air quality, fuel consumption, and resource commitments will be minimal due to the relatively small amount of traffic handled. Rail service has not been available over the line since it was embargoed on November 15, 1973, due to deteriorating track conditions. Industrial development plans in the affected area are not dependent upon the existence of direct rail access.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C., 20423, on or before December 19, 1974.

[FR Doc.74-28336 Filed 12-3-74;8:45 am]

[AB 1; Sub-No. 8]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Fairchild and Mondovi, Jackson, Trempealeau and Buffalo Counties, Wisconsin

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the

human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Trempealeau, Buffalo, Jackson and Eau Clair Counties, Wis., on or before December 15, 1974, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 21st day of November, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN FAIRCHILD AND MONDOVI, JACKSON, TREMPEALEAU AND BUFFALO COUNTIES, WISCONSIN

The Interstate Commerce Commission hereby gives notice that by order dated November 20, 1974, it has been determined that the proposed abandonment by the Chicago and North Western Transportation Company of a line of railroad extending approximately 36.4 miles between Fairchild and Mondovi and through Jackson, Trempealeau and Buffalo Counties, Wis., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that traffic over the line has been declining substantially and is low; there are no prospects for significant traffic increases for the future; the highways are adequate to handle the minimum amount of traffic which would be diverted to motor carrier movement and the potential recreational use of the land is consistent with local land use plans.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before December 30, 1974.

This negative environmental determination shall become final unless good and sufficient reason is filed to demonstrate why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.74-28329 Filed 12-3-74;8:45 am]

[Ex Parte No. 241; Exemption No. 89]

U.S. RAILROADS

Exemptions Under Mandatory Car Service Rules

It appearing, That the U.S. railroads own numerous 40-ft. plain boxcars; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars of railroad ownership described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 393, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 44 ft. 6 in. or less, and bearing reporting marks assigned to United States railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Note)

NOTE: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to Directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Effective November 25, 1974.

Expires January 31, 1975.

Issued at Washington, D.C., November 25, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-28328 Filed 12-3-74;8:45 am]

federal register

WEDNESDAY, DECEMBER 4, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 234

PART II

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

■

GRAIN STANDARDS

Miscellaneous Amendments; Notice of Proposed Rulemaking

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 26]

GRAIN STANDARDS

Miscellaneous Amendments; Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that, pursuant to the authority contained in the U.S. Grain Standards Act (39 Stat. 482, as amended 82 Stat. 761 (7 U.S.C. 71 *et seq.*)), the Department of Agriculture proposes to amend §§ 26.1, 26.6, 26.9, 26.10, 26.11, 26.13, 26.14, 26.15, 26.30, 26.61, 26.85, 26.87, 26.97, 26.100, 26.101, 26.110, and 26.114 of the regulations (7 CFR 26.1, 26.6, 26.9, 26.10, 26.11, 26.13, 26.14, 26.15, 26.30, 26.61, 26.85, 26.87, 26.97, 26.100, 26.101, 26.110, and 26.114) under the Act.

Statement of considerations. The proposed amendments of the regulations under the Act are needed to conform inspection procedures with changes in grain merchandising and transportation practices, to clarify certain provisions in the regulations, and to provide additional guidelines for official inspection agencies. The principal proposed amendments are as follows:

1. *Weighted average.* Section 26.1 of the regulations (7 CFR 26.1) would be amended by adding a definition for the term "weighted average." The definition is needed to supplement the weighted average provision in § 26.14(k) of the regulations (7 CFR 26.14(k)).

2. *Mechanical sampler inspection.* Section 26.6 of the regulations (7 CFR 26.6) would be amended by authorizing an additional and needed service, the inspection of mechanical grain samplers. Pursuant to § 26.28 (7 CFR 26.28), the service would be conducted by official inspection personnel employed by an official inspection agency.

3. *Conditions for inspection.* Section 26.9 of the regulations (7 CFR 26.9) would be amended by adding a paragraph stating the conditions to which the applicant consents in submitting a request for an official inspection service. The conditions which are listed in the proposed new paragraph are considered essential to effectuate the purposes of the Act.

4. *Grounds for dismissing requests.* Section 26.10 of the regulations (7 CFR 26.10) would be amended by deleting the reference to §§ 26.27, 26.30, 26.37, and 26.47, and by including, as a note, a reference to § 26.11 of the regulations and § 10 of the Act. This would simplify and clarify the wording as § 26.10 is intended to cover the dismissal of inspection requests.

5. *Health and safety, and timely notice.* Section 26.11 of the regulations (7 CFR 26.11) would be amended by providing in subsection (a)(2) examples showing when grain shall be deemed to be not "accessible for inspection" as a result of conditions which are unduly hazardous to the health or safety of official inspection personnel. The only examples shown at present are for conditions that do not permit an adequate and correct sampling, examination, or other determination. Section 26.11 would also be amended by providing in subsection (b) an interpretation for the term "timely arrangements" for an appeal inspection on export grain. The interpretation would set forth the minimum time period for requesting overtime service. A minimum time period is needed to plan and schedule staffing needs.

6. *Issuance of one certificate for more than one lot.* Section 26.13 of the regulations (7 CFR 26.13) would be amended by authorizing the issuance of one certificate for more than one lot when such a certificate would meet the needs of the applicant. At present, except in the case of combined lot inspections (see § 26.15), official inspection personnel are required to issue one certificate per lot. The issuing of one certificate for more than one lot would reduce the number of certificates issued and the related clerical work.

7. *Inspection of cargo grain.* Section 26.14 of the regulations (7 CFR 26.14) would be amended to:

Replace the term "grade" with the more inclusive term "quality";

Remove the limit on the quantity of better quality grain that can be in a lot; and

Define new terms and explain how they are used in the inspection of cargo grain.

NOTE: The Department plans to later propose, in the regulations, an additional inspection plan for the inspection of grain in ships for shipments where divided-original inspection certificates are not needed. The additional plan will involve wider constraints on variations in quality and will promote more efficient handling of bulk export grain.

8. *Combined lots.* Section 26.15 of the regulations (7 CFR 26.15) would be amended to:

Authorize the inspection of grain in combined lots either during loading, unloading, or while the grain is at rest in the containers. (Presently, only the inspection of grain in combined lots during loading is authorized.);

Authorize the use of new procedures for the inspection of grain in combined lots and authorize the issuance of divided-original certificates for combined shiplots. (The present procedure does not authorize the issuance of divided-original certificates for combined shiplots.); and

Define new terms and explain how they are used in the inspection of grain in combined lots.

NOTE: The Department plans to later propose, in the regulations, an additional inspection plan for the inspection of grain in combined lots. The plan will involve wider constraints on variations in quality and will promote more efficient handling of bulk grain.

9. *Succeeding original inspections.* Section 26.30 of the regulations (7 CFR 26.30) would be amended by deleting the reference to submitted samples in paragraph (a). Succeeding original inspections are not available on submitted samples. The end of paragraph (c) would be amended to delete the words "and will better fit the needs of the applicant." The wording is considered confusing and unneeded.

10. *Divided-original certificates.* Section 26.61 of the regulations (7 CFR 26.61) would be amended to provide for divided-original certificates on a combined export shiplot, and to authorize the showing, at the request of the applicant, of merchandising information such as loading order numbers on divided-original inspection certificates for export cargo grain. The showing of the information would facilitate the handling and matching of the certificates with related merchandising and transportation documents on export cargo grain.

11. *Duties of official inspection personnel.* Section 26.85 of the regulations (7 CFR 26.85) would be amended to provide that official inspection services shall be performed in accordance with approved safety procedures and using approved safety equipment. Safety is a basic duty in inspection work. This change would require official inspection personnel to operate in a safe manner and use approved safety equipment.

12. *Conflicts of interest.* Section 26.87 of the regulations (7 CFR 26.87) would be amended by listing certain conflicts of interest under "other conflicts." The conflicts are now listed under "interpretations." The amendment would add to the clarity of the wording. The substance of the section would not be changed.

13. *Application for designation.* Section 26.97 of the regulations (7 CFR 26.97) would be amended to require that applicants for designation to operate as an official inspection agency who are incorporated, furnish a copy of the articles of incorporation and the names of the current corporate officers with the application.

14. *Duties of inspection agencies.* Section 26.100 of the regulations (7 CFR 26.100) would be amended to require that official inspection agencies would provide its employees with approved safety equipment and training in the use of such equipment, and upon request, provide information with respect to the ownership and operation of the agencies. Providing safety equipment and providing training in its use are basic duties of employers. Th einformation on ownership and operation is needed and is currently being provided by private agencies to facilitate the handling of applications of designation to operate as an official inspection agency, and the handling of requests for the cancellation, amendment, transfer, or suspension of designations.

15. *Official inspection agencies.* Section 26.101 of the regulations (7 CFR 26.101) would be amended by adding wording to require that a minimum of 90 days' advanced notice be given by a designated official inspection agency when requesting that its designation be canceled, amended, transferred, or suspended. At present no advanced notice is required. A minimum of 90 days is needed to process such requests.

Section 26.101 would also be amended to authorize the interim designation of an official inspection agency when it is impracticable to publish in the FEDERAL REGISTER the final action on a designation in advance of the effective date. This would promote the orderly continuation of needed inspection services, and would support currently approved practices in the designation of official inspection agencies.

16. *Export grain.* Section 26.110 of the regulations (7 CFR 26.110) would be amended to provide that export grain in sacks may be sampled prior to the final elevation. This waiver, authorized under section 5 of the Act, is needed because it is not practicable to sample export sacked grain after final elevation as the grain is loaded abroad or while it is at rest in the final carrier.

Section 26.110 would also be amended to provide that diverter-type mechanical samplers shall be used in the sampling of export grain, with waiver authority for (1) classes of shipments, such as sacked grain, which are impracticable to sample with such samplers while the grain is being loaded abroad, or while it is in the final carrier; and (2) emergency situations involving mechanical or power failure.

Studies conducted by the Agricultural Research Service of the U.S. Department of Agriculture show that diverter-type mechanical samplers consistently obtain the most representative samples of grain. Further, many export grain elevators have installed diverter-type mechanical samplers for the use of official inspection personnel in the sampling of bulk export grain. The diverter-type samplers have been found to be practical in use, and are available in commercial quantities. It is proposed to make this requirement effective November 1, 1975.

17. *Official grade designations.* Section 26.114 of the regulations (7 CFR 26.114) would be amended to add the words "U.S." to "No. 1 Hard Winter Wheat," so that the example of the official grade designation would be consistent with the official grain standards of the United States.

Accordingly, the following amendments to the 7 CFR Part 26 regulations are proposed:

1. A new definition of weighted average is added to § 26.1(b) to read as follows:

§ 26.1 Meaning of words.

* * * * *

(b) * * *

(40) *Weighted average.* A lot average determined by multiplying the analytical result for each factor in each sublot by the weight of the sublot, adding the resultant figures for each factor, and dividing by the weight of the lot.

2. The introductory text of § 26.6(a) is revised and a new paragraph (l) added to read as follows:

§ 26.6 Kinds (scope) of official inspection services.

(a) *General.* The kinds of official inspection services available under the Act and the basis for performing each service are those shown in paragraphs (b) through (l) of this section.

* * * * *

(l) *Mechanical sampler inspection.* (1) This inspection shall consist of the following operations by official inspection personnel (other than a licensed employee of a grain elevator or warehouse): (i) a pre-installation examination of the sampling site for the mechanical sampler to determine whether the site and the spout or the belt arrangements are in accordance with the basic requirements for the installation and use of the sampler; (ii) initial and periodic post-installation examination to determine whether the sampler is installed properly; (iii) initial and periodic checktesting to determine whether the sampler obtains representative samples; and (iv) the issuance of an official certificate in accordance with § 26.58 and § 26.59, and paragraph (l)(4) of this section.

NOTE: This service shall be limited to specified models of diverter-type mechanical samplers that have been tested under controlled conditions by the U.S. Department of Agriculture and found to give results within a range of ±10 percent of the known quantity in the checklist material. A list of such samplers may be obtained from official inspection agencies and Field Offices. For a list of such offices, see § 26.9(d).

(2) The inspection shall be made in accordance with the methods and procedures prescribed in the instructions or approved in specific cases by the Administrator. (Instructions and application forms for use in checktesting mechanical samplers may be obtained from any official inspection agency and Field Office. For locations where the instructions and forms may be obtained, see § 26.9(d)).

(3) Each certificate for a mechanical sampler inspection shall show the results of the inspection, in whole or in part. The certificate for the final determination shall show the following or substantially equivalent statements: "Sampler inspected and found to obtain representative samples of (*kinds of grain*)" or "Sampler inspected and found not to obtain representative samples of (*kinds of grain*)."

3. Section 26.9 is amended by revising the heading and by adding a new paragraph (e) to read as follows:

§ 26.9 Inspection services.

* * * * *

(e) *Conditions for inspection.* In submitting a request for an official inspection service, the applicant consents to the following items which are considered essential to effectuate the purposes or provisions of the Act: (1) To pay bills for inspection services promptly upon receipt; (2) to provide loading conditions and containers which will not contaminate the grain or otherwise lower the grade, quality, or condition of the grain; (3) to make the grain fully accessible for inspection except as provided in § 26.12 (b); (4) to provide required mechanical sampling equipment as provided in § 26.110(d); (5) to provide adequate and separate space for official inspection personnel for performing the kind of service requested; (6) to make grain fully accessible for supervision inspections at any time during loading or unloading; and (7) to provide needed water transportation for performing off-shore ship hold supervisions and inspections.

4. Section 26.10(c) is revised to read as follows:

§ 26.10 When a request for inspection services may be withdrawn or dismissed.

* * * * *

(c) *Grounds for dismissal.* A request for inspection services may be dismissed by the official inspection personnel (1) upon request of the applicant; (2) if the request is for the inspection of grain for which standards have not been established under the Act; (3) if the official inspection agency (or in the case of U.S. grain in Canadian ports and appeal inspections, the field office) otherwise lacks jurisdiction under the Act or the regulations to handle the request; (4) if the request is not in compliance with the regulations; (5) if sufficient evidence is not available upon which to make an accurate and true determination; or (6) if it is clearly not practicable to perform the requested inspection services. (See also § 26.11 of the regulations and section 10 of the Act for conditional withholding and refusal of inspection service.)

* * * * *

5. Section 26.11(a)(2) and (b) are revised to read as follows:

§ 26.11 Conditional withholding of inspection service.

(a) *Mandatory withholding.*

* * * * *

(2)(i) For the purpose of this paragraph, grain shall be deemed to be not "accessible for inspection" if it is offered for sampling or inspection under conditions which (*a*) are unduly hazardous to the health or safety of official inspection personnel or (*b*) do not permit an adequate and correct sampling, examination, or other determination for the requested inspection service.

(ii) Conditions which are considered unduly hazardous to the health and safety of official inspection personnel include, but are not limited to (*a*) conditions at the sampling or inspection site, or the ingress or egress routes to the sampling or inspection site, which are not in compliance with the provisions of Subparts D and E of the Occupational Safety and Health Standards (29 CFR 1910.21–1910.40) promulgated pursuant to section 6 of the Occupational Safety and Health Act (29 U.S.C. 655, 657); (*b*) forcible assaults, intimidations, or interferences, or threats of forcible assaults, intimidations, or interferences, at the sampling or inspection site; and (*c*) storage, stowage, and similar spaces which have been fumigated or have toxic fumes, or in which the oxygen has been depleted, unless the spaces have been found "safe" in accordance with methods and

procedures prescribed in Subpart B of the Occupational Safety and Health Standards (29 CFR 1915.10–1915.15) promulgated pursuant to section 6 of the Occupational Safety and Health Act (29 U.S.C. 655, 657).

(iii) Conditions which do not permit an adequate and correct sampling, examination, or other determination for the requested inspection service include, but are not limited to, grain in barges or other carriers that are closed at the time the grain is offered for inspection and the carriers cannot be readily opened by official inspection personnel.

(b) *Permissive withholding.* At the discretion of the official inspection personnel, an official inspection may be conditionally withheld if the applicant has failed to pay bills for prior inspection services; or the grain is offered for inspection outside of the customary workday, unless timely arrangements for overtime inspection have been made by the applicant with the official inspection personnel. In the case of appeal inspections on export cargo grain, the "customary workday" shall be deemed to mean 0800 to 1630 hours local time, Monday through Friday, except national holidays; and "timely arrangements" shall be deemed to mean arrangements made not later than 1400 hours of the preceding workday. (For definition of "holiday," see section 26.72(a), footnote 4.)

* * * * *

6. Section 26.13 is amended by revising the heading and paragraphs (a) and (c) to read as follows:

§ 26.13 Inspection of grain in containers other than ships.

(a) *General.* The inspection of bulk or sacked grain loaded aboard, or being loaded aboard, or discharged from railway cars, trucks, trailers, river barges, bay boats, bins, warehouse lots, or containers other than ships shall be conducted in accordance with the provisions in this section, and such methods and procedures as may be prescribed in the instructions or approved in specific cases by the Administrator.

* * * * *

(c) *One certificate per lot.* One official inspection certificate shall be issued for each lot: *Provided,* That the requirements of this paragraph shall not be applicable to § 26.15, or paragraph (b) of this section, or instances when the issuance of one certificate for more than one container is requested by the applicant for inspection. If the grain is not uniform in condition, the certificate shall show the approximate quantity in each portion, the location of each portion in the container, and the grade of the grain in each portion, in accordance with procedures prescribed in the instructions or approved in specific cases by the Administrator.

* * * * *

7. Section 26.14 (b), (c), (d), and (e) are revised to read as follows and (f) is deleted:

§ 26.14 Inspection of grain in ships.

* * * * *

(b) *Definitions.* For purposes of this section the term "ship" means all oceangoing ships, barges, and tankers; lake vessels, and ships of similar or larger capacity.

(1) The term "reasonably continuous operation" shall be construed to include inactive intervals of not more than 88 consecutive hours; *Provided,* That the ship does not leave the designated inspection point or port in which the inspection is being performed. Upon request of the applicant, the statement "Loaded under continuous official inspection" may be shown on the official inspection certificate when the conditions of this section are met.

(2) The term "material portion" means a portion which is considered significant under a sampling plan prescribed in the instructions on the basis of approved statistical principles after consultation with the users of the service: *Provided,* That if the applicant has been informed by official inspection personnel or otherwise knows the quality of the grain prior to loading the grain on a ship, any portion of "off-grade" grain which is of an inferior grade in comparison with the load order grade shall be deeemd to be a material portion.

(3) The term "load order grade" means the official grade, official factors, and other criteria specified by the applicant for inspection.

(4) The term "uniform in quality" means that all portions in the lot conform to the load order grade and that no material portion in the lot is of a grade, or equivalent of a grade inferior to the load order grade.

(5) The determination of "equivalent of a grade" shall be based on special grades, dockage, factors, and other criteria, and shall be prescribed in the instructions or otherwise approved by the Administrator.

(c) *Grain uniform in quality.* The grain in each lot offered for inspection shall be examined thoroughly for uniformity of quality. If the grain is found to be uniform in quality and is loaded aboard or discharged from the ship in a reasonably continuous operation, the grain shall be sampled, inspected, graded, and certificated as one lot. (The requirements of this paragraph and paragraph (d) of this section with respect to reasonably continuous loading or discharge shall not apply to grain which is at rest in a ship when the grain is offered for an inspection.)

(d) *Grain not uniform in quality.* If the grain in a lot is found to be not uniform in quality or if the grain is not loaded aboard or discharged from the ship in a reasonably continuous operation, the grain in each portion, and the grain which is loaded aboard or discharged from the ship at different times shall be sampled, inspected, graded, and certificated as a separate lot.

(e) *Certification of grain not uniform in quality.* If the grain in a lot is found to be not uniform in quality under paragraph (d) of this section, the cargo inspection certificate for each lot shall show (1) the grade of the lot; (2) a statement that the grain has been loaded on board with other grain; (3) the grade, location, and approximate quantity of the other grain; and (4) such other information as may be required by the regulations and the instructions or approved in specific cases by the Administrator. (The requirements of subparagraph (2) of this paragraph shall not apply to grain which is inspected as it is being discharged from a ship.)

(f) [Deleted]

* * * * *

8. Section 26.15 is revised to read as follows:

§ 26.15 Inspection and certification of grain in combined lots.

(a) *General.* The inspection of grain being loaded into or discharged from, or at rest in, two or more railway cars, trucks, or barges, and the grain in two or more identified lots loaded into or discharged from a ship shall be in accordance with the provisions of this section and such methods and instructions as may be prescribed in the instructions or otherwise approved by the Administrator.

(b) *Definitions.* For purposes of this section, the following terms shall have the meanings given below:

(1) The term "uniform in quality" shall mean that the weighted average of the grain in the combined lot is not inferior to the load order grade and that the grain in each car, truck, barge, and each shiplot is not of a grade or the equivalent of a grade inferior to the load order grade.

(2) The term "equivalent of a grade" shall be based on special grades, dockage, factors, and other criteria, and shall be prescribed in the instructions or otherwise approved by the Administrator.

(3) The term "load order grade" means the official grade, official factors, and other criteria specified by the applicant for inspection.

(c) *Inspection during loading, unloading, or while at rest.* Upon request by an applicant, the grain being loaded into or discharged from, or at rest in, two or more railway cars, trucks, or barges, and the grain in two or more identified lots being loaded into or discharged from a ship may be sampled, inspected, and certificated as a combined lot if:

(1) In the case of grain which is being loaded or discharged, the request is filed in advance of the loading or discharge of any of the grain;

(2) The request shows the quantity of grain which is to be certificated as a combined lot;

(3) Each car, truck, barge, or shiplot is specifically identified in the request;

(4) The grain loaded into or discharged from, or at rest in, each car, truck, or barge, or the grain in each shiplot is accessible for sampling and is sampled in one designated inspection area within 88 consecutive hours.

(5) A representative sample or samples are obtained from the grain in each car, truck, or barge, or the grain in each shiplot;

(6) The grain loaded into or discharged from or at rest in each car, truck, or barge, or the grain in each shiplot is inspected and graded in accordance with the provisions of this section and such methods and procedures as may be prescribed in the instructions or otherwise approved by the Administrator; and

(7) The grain in each car, truck, barge, and each shiplot is found to be uniform in quality.

(d) *Inspection after certification.* Upon request by an applicant, the grain in two or more cars, trucks, barges, or the grain in two or more shiplots which has been sampled, inspected, and certificated as separate lots may be certificated as a combined lot if:

(1) The request is filed within a reasonable time, not to exceed 2 business days after the date of the latest inspection;

(2) The grain in each container was accessible for sampling and was sampled in one designated inspection area, within an 86-hour period;

(3) The grain in the cars, trucks, barges, and each shiplot was found to be uniform in quality;

(4) The originals of the official certificates issued for the component lots are surrendered to the official inspection agency or the field office except as provided for in paragraph (f) (vi) of this section;

(5) Representative file samples of the grain are available; and

(6) The official inspection personnel who issued the certificates for the component lots and the official inspection personnel who will issue the combined lot certificate believe that the samples which were used as the basis for the component inspections were representative of the grain at the time of the inspections, and that the quality or condition of the grain in the samples, and the quality or condition of the grain in the combined lot has not changed since the time of the component inspections.

(e) *Certification.* Each such certificate shall show the statement "Combined Lot Inspection," and the identification of each car, truck, barge, and each shiplot. The statement shall be shown below the grade line of the certificates as prescribed in the instructions. The inspection results shown on the certificate shall be the weighted average results of the analyses of the samples from the component lots: *Provided,* That if the grain in each lot in a combined lot is found to be uniform for any grade and the weighted averages show a different grade, the grade found for the combined lots shall prevail. Upon request, information as to specified factors for each combined lot shall be shown on the combined lot inspection certificate.

(1) *Grain not uniform in quality.* If the grain in each car, truck, barge, and each shiplot is found to be not uniform in quality, the grain in each portion shall be sampled, inspected, graded, and certificated as a separate lot.

(2) *Grain uniform in quality.* If the grain in each car, truck, barge, and each shiplot is found to be uniform in quality, an official certificate shall be issued.

(f) *Combined lot superseding certificate requirements.* (1) If the request for a combined lot inspection was filed after the grain in the component lots was inspected and certificated, the combined lot inspection certificate shall also show: (i) The date the component lots were inspected as the date of inspection of the grain in the combined lot. However, if the lots were inspected on different dates, the latest of the dates shall be shown; (ii) a new serial number, other than the serial numbers of the certificates which are to be superseded; (iii) a statement showing the name(s) of the elevator(s) or warehouse(s) from which the grain in the combined lot was loaded; (iv) a statement showing the approximate quantity of grain in the combined lot; (v) a statement showing the identification of any superseded certificates as follows: "This Combined Lot certificate supersedes certificates Nos. ____, dated _____." (The numbers shown in the statement shall in all cases include the lettered prefix.); and (vi) if the superseded certificates are in the custody of the Grain Division or an official inspection agency, the superseded certificates shall be marked "Void" in a clear and conspicuous manner. If, at the time of issuing the combined lot inspection certificate, the superseded certificates are not in the custody of the Grain Division, or an official inspection agency, the statement "The superseded certificates identified herein have not been surrendered" shall be clearly shown, in the space provided for remarks, on the combined lot inspection certificate beneath the statement identifying the superseded certificates. Official inspection personnel shall exericse such other precautions as may be found necessary to prevent the fraudulent or unauthorized use of the superseded certificates.

(g) *Quantity.* No combined lot inspection certificate shall be issued which shows a quantity of grain in excess of the quantity shown on the superseded certificates.

(h) *Further combining.* After a combined lot certificate has been issued in accordance with this section, there shall be no dividing or further combining of the certificate at a later date.

(i) *Limitation.* No combined lot inspection certificate shall be issued for any inspection other than as described in this section.

(j) *Reinspection and appeal inspection on combined or off-grade lots.* A reinspection or an appeal inspection may be obtained on a combined lot or on each "off-grade" lot in accordance with the regulations.

9. Section 26.30 (a) and (c) are revised to read as follows:

§ 26.30 Succeeding original inspections.

(a) *General provisions.* In cases where an original inspection has been obtained in any designated inspection area on a specific lot, and a later or more current inspection of the same kind (scope) is desired in the same area on the same lot, one or more succeeding inspections may be obtained in accordance with paragraphs (b) through (i) of this section.

* * * * *

(c) *Grounds for dismissal.* A request for a succeeding original inspection may be withdrawn or dismissed in accordance with the provisions of §§ 26.10 and 26.27, or shall be dismissed when a reinspection or an appeal inspection can be obtained from the preceding original inspection.

* * * * *

10. Section 26.61(a) and (f) are amended to read as follows:

§ 26.61 Divided-original inspection certificates.

(a) *General requirements.* If an export cargo shipment is certificated as a combined lot, or is offered for inspection as one lot, and is found to be uniform in quality and is certificated as one lot, the applicant may exchange the original certificate for two or more divided-original certificates subject to the requirements in paragraphs (b) through (g) in this section.

* * * * *

(f) *Certification requirements and options.* The same information and statements shall be shown on the divided-original certificates as shown, or required to be shown, on the original certificate except (1) the original and all copies shall show, in the space provided for remarks, the completed statement: "This grain is part of an undivided lot of _____ (bushels) (pounds)."; (2) the original shall show the term Divided-Original instead of Original and the copies shall show the term Divided-Original (Copy) instead of the word Copy; (3) the serial number shown on the divided-original certificates shall be the same as the serial number shown on the original certificates except the serial number of the divided-original certificates shall include a serially numbered suffix; (4) the quantity of grain shown on the divided-original certificates shall be in accordance with the request for the certificates: *Provided,* That no divided-original certificates shall be issued which show, individually or in the aggregate, a quantity of grain in excess of the quantity shown on the original certificate. At the written request of the applicant, loading order numbers, purchase authorization numbers, reference numbers, contract numbers, letter of credit identifications, or other identifications may be shown on divided-original certificates: *Provided,* That the same identifications are shown on the original certificate.

* * * * *

11. Section 26.85(b) is revised to read as follows:

§ 26.85 Duties of official inspection personnel.

* * * * *

(b) *Inspection services.* Official inspection personnel shall perform requested inspection services (1) without discrimination, except as authorized in § 26.12; (2) as soon as practicable, except as authorized in §§ 26.10 and 26.11; (3) upon reasonable terms; and (4) by using approved safety procedures and safety equipment prescribed in Subpart I of the Occupational Safety and Health Standards (29 CFR 1916.81–1916.84) promulgated pursuant to section 6 of the Occupational Safety and Health Act (29 U.S.C. 655, 657).

12. Section 26.87 (b), (c), (d), and (e) are revised to read as follows:

§ 26.87 Conflicts of interest.

* * * * *

(b) *Other conflicts.* The kinds of activities specified in paragraphs (b) (1) through (5) of this section shall also be deemed to involve a conflict of interest if engaged in by official inspection personnel. No official inspection personnel shall:

(1) (i) Hold any appointive or elective office or position in any national, regional, State, or local grain industry group, organization, or association: *Provided,* That a grain inspection group, organization, or association shall not be deemed to be a grain industry group, organization, or association; or (ii) be employed by or otherwise work for any association, corporation, or other business entity owned or composed, in whole or in part, by persons who are financially interested in a grain elevator or warehouse or who are engaged in the merchandising of grain: *Provided,* That this restriction will not apply if neither such business entity, nor any of its officers or members, give any technical advice or technical direction to the official inspection personnel, or otherwise exercise any control, direct or indirect, over any of the technical aspects of the official inspection functions: *Provided, further,* That the physical presence of any officer or member of such a business entity in the inspection or testing quarters assigned to the official inspection personnel may, in the absence of a specific invitation by the personnel, be deemed to be a control, direct or indirect, over the technical aspects of the official inspection functions performed by such personnel.

(2) Be engaged in buying, selling, transporting, cleaning, elevating, storing, binning, mixing, blending, drying, treating, fumigating, or other preparation of grain (other than as a grower of grain, or the disposition of inspection samples); or in the business of cleaning, treating, or fitting of carriers or containers for transporting or storing grain; the merchandising for non-farm use of equipment for cleaning, drying, treating, fumigating, or otherwise processing, handling, or storing grain; or the merchandising of grain inspection equipment (other than buying or selling by official inspection personnel of such equipment for use in performance of their official inspection functions): *Provided,* That licensed employees of grain elevators or warehouses may obtain warehouseman's samples, as provided in § 26.6(d).

(3) Accept any fee or charge in excess of the published fee or charge or any favor, gift, loan, unusual discount, service, entertainment, or other thing of monetary value under circumstances in which such acceptance could result, or create the appearance of resulting in (i) the use of their office for undue private gain; (ii) an undertaking to give undue preferential treatment to any person; or (iii) any other loss of complete independence or impartiality in performance of official inspection functions.

(4) Participate (directly or otherwise) in any transaction concerning the purchase or sale of corporate stocks or bonds, commodities, or other property for speculative purposes if such action might tend to interfere with the proper and impartial performance of his duties or bring discredit upon the Department of Agriculture. Licensees and employees are not prohibited by this paragraph from making bona fide investments.

(5) Coerce or give the appearance of coercing any person to provide special or undue benefits to themselves as licensees or authorized employees.

(c) *Reports of interests.* Official inspection personnel shall report such information regarding their employment or other business interests as may be required at any time by the Administrator. (The filing of such reports, or the filing of an application for a license as provided in § 26.77, does not permit a licensee or authorized employee to have a conflict of interest prohibited by the Act or the regulations.)

(d) *Avoiding conflicts of interest.* Each licensee and each authorized employee shall at all times avoid acquiring any financial interest or engaging in any activity that would result in a violation of this section or § 26.86 or other violation of section 11 of the Act and shall not permit his spouse, minor children, or any blood relative who resides in his immediate household to acquire any such interest or engage in any such activity. For the purpose of this section, the interest of a spouse, minor child, or blood relative who is a resident of a licensee's or an authorized employee's immediate household shall be considered to be an interest of the licensee or employee.

(e) *Disposition of conflicting interests.* (1) Upon being advised that certain employment or other interest is in conflict with his official duties and that remedial action is required, the applicant, licensee, or authorized employee shall take immediate action to end the conflict of interest and advise the responsible officials of action taken in this respect.

(2) An applicant, licensee, or authorized employee who believes that remedial action will cause undue hardship may request a review and modification by forwarding to the Administrator either directly or through the field office, a written statement setting forth all the facts and circumstances with the reasons for the request or modification.

(3) If a final determination is made that a conflict of interest does, in fact, exist, failure to take immediate action to end the conflict of interest shall subject an applicant to the dismissal of his application; a licensee to administrative action against his license and criminal prosecution; and an authorized employee to disciplinary action and criminal prosecution.

* * * * *

13. Section 26.97(a)(16) is revised to read as follows:

§ 26.97 Application for designation.

(a) * * *

(16) The articles of incorporation if the applicant is incorporated and the names of current corporate officers.

* * * * *

14. Section 26.100(d) is revised and (j) is added to read as follows:

§ 26.100 Duties of official inspection agencies.

* * * * *

(d) *Training and supplies.* (1) Each official inspection agency shall provide its employees with training in: (i) Performing official inspection functions for which its employees are or have requested to be licensed; and (ii) the use of approved safety procedures and safety equipment prescribed in Subpart I of the Occupational Safety and Health Standards (29 CFR 1916.81—1916.84) promulgated pursuant to section 6 of the Occupational Safety and Health Act (29 U.S.C. 655, 657) for the protection of the safety and health of its employees.

(2) Each official inspection agency shall supply its licensed personnel with: (i) Approved safety equipment; (ii) instructions; (iii) Subparts D, E, and I of the Occupational Safety and Health Standards (29 CFR 1910.21–1910.40 and 1916.81–1916.84) promulgated pursuant to section 6 of the Occupational Safety and Health Act (29 CFR 655, 657); (iv) the official grain standards; (v) an adequate supply of forms approved by the Administrator; and (vi) other materials necessary for the conduct of official inspection functions.

* * * * *

(j) *Reports of ownership.* Each official inspection agency shall report such information regarding its ownership and operation as may be required by the Administrator.

15. Section 26.101 is amended by revising heading and paragraphs (a) and (c) to read as follows:

§ 26.101 Cancellation, amendment, transfer, suspension, and revocation of designation.

(a) *Voluntary cancellation, amendment, transfer, or suspension.* Upon request by an official inspection agency,

and a showing of good cause, a designation to operate as an official inspection agency may be canceled, amended, transferred to another agency or person, or suspended for a definite or indefinite period of time in accordance with the following procedure:

(1) The request for the proposed cancellation, amendment, transfer, or suspension shall be made by the agency at least 90 days in advance of the proposed effective date of the action, and good cause shall be shown to support the request.

(2) The proposed action shall be published in the FEDERAL REGISTER and interested persons shall be given opportunity to present their views. Reasonable notice of the final action shall, insofar as practicable, be published in advance of the effective date: *Provided,* That if there is insufficient time to publish the final action in the FEDERAL REGISTER in advance of the effective date, and an interim designation for an official inspection agency appears warranted, such designation may be made by the Administrator in accordance with the provisions of paragraph (c) of this section.

(3) In the case of a transfer, the transferee must qualify under the requirements in § 26.96.

* * * * *

(c) *Replacement agency.* (1) If a designation for an official inspection agency is canceled, suspended, or revoked, and a replacement agency is deemed warranted, arrangements for a replacement agency shall be made by the Administrator after consultation with interested State departments of agriculture, official inspection agencies, users of the inspection service, and other interested persons, and insofar as practicable, in advance of the cancellation, suspension, or revocation. The need for a replacement agency shall be published in the FEDERAL REGISTER and interested persons shall be given opportunity to present their views. Reasonable notice of the final action shall be published in the FEDERAL REGISTER in advance of the effective date.

(2) If time or other circumstances preclude the publishing of the proposed action or the final action in a timely manner, and an interim designation for an official inspection agency is deemed warranted by the Administrator, notice of the interim designation shall be published in the FEDERAL REGISTER together with the effective period of the interim designation. Interested persons may submit comments on the interim designation.

16. Section 26.110(d)(1) and (3) are revised to read as follows:

§ 26.110 Mandatory inspection—export grain.

* * * * *

(d) *Sampling requirements.* (1) The inspection for official grade and official factor information must be based on official samples obtained from the grain as it is being loaded aboard, or while it is in the final carrier in which it is to be transported from the United States: *Provided,* That the inspection of sacked grain may be based on an initial inspection as the grain is being sacked and a final inspection as the sacks of grain are being loaded aboard the final carrier in which they are to be transported from the United States, in accordance with instructions issued by the Administrator.

* * * * *

(3) If the grain is sampled as it is being loaded aboard the carrier, the samples must be obtained after the final vertical elevation, at such place or places and in such manner as will obtain the most representative sample and otherwise in accordance with the instructions: *Provided,* That after November 1, 1975, all bulk export grain shall be sampled by means of approved diverter-type mechanical samplers: *Provided further,* That the Administrator may waive such requirements for (i) classes of shipments of sacked grain, which are impracticable to sample with such samplers while the grain is being loaded aboard, or while it is in the final carrier, and (ii) emergency situations involving mechanical or power failures.

* * * * *

17. Section 26.114(a) is revised to read as follows:

§ 26.114 Use of official grade designations, official inspection marks and other descriptions of or representations concerning grain.

(a) *Grade designations and marks.* Paragraph (a)(5) of section 13 of the Act prohibits any person from knowingly using any official grade designation or official inspection mark on any container of grain by means of a tag, label, or otherwise, unless the grain in such container was officially inspected on the basis of an official sample taken while the grain was being loaded into or was in such container and the grain was found to qualify for such designation or marks. The official grade designations are those specified in the official grain standards for the various grades of grain; e.g., U.S. No. 1 Hard Winter Wheat. The official inspection mark is the statement "Loaded Under Continuous Official Inspection," authorized for use in accordance with § 26.14(1).

* * * * *

Opportunity is hereby afforded all interested parties to submit written data, views, or arguments, with respect to the proposed amendments of the regulations, to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions should be in duplicate and should be received by the Hearing Clerk not later than January 20, 1975. All submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Consideration will be given to the written data, views, or arguments received by the Hearing Clerk and to other information available to the U.S. Department of Agriculture before final determination is made with respect to this proposal.

Done in Washington, D.C. on: November 26, 1974.

E. L. PETERSON,
Administrator.

[FR Doc.74-28303 Filed 12-3-74;8:45 am]

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PART III

DEPARTMENT OF LABOR

Office of Employee Benefits Security

■

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Notice of Proposed Rulemaking

DEPARTMENT OF LABOR

Office of Employee Benefits Security

[29 CFR Parts 2505, 2520, 2521, 2522, 2523, 2560]

REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Notice of Proposed Rulemaking

The regulations proposed in this document amend Chapter XXV, Employee Benefits Security, by adding thereto Parts 2505, 2520, 2521, 2522, 2523, and 2560. Preambles explaining the substance of each proposed regulation contained in this document are set out before the table of contents of each part which is introduced. All of the proposed regulations in this document relate to the Employee Retirement Income Security Act of 1974. They are put forth at this time because they cover regulatory subject matter which must be published in final form as soon as possible. In the ensuing months additional proposed regulations, covering other subject matter, will be published in the FEDERAL REGISTER.

Also, the proposed "Plan Description" form, EBS–1, is now available for inspection and comment before its issuance in final form. Interested persons may obtain a copy of the proposed EBS–1 by writing or calling Mr. Charles Caldwell, Information Director, Labor-Management Services Administration, U.S. Department of Labor, 14th Street and Constitution Avenue, NW, 20210 (202–961–5074). Copies of the proposed FBS–1 will also be available from the Office of Management and Budget as specified in the "Clearance of Reports" notice published in the FEDERAL REGISTER by that Office.

Interested persons are invited to submit written data, views, or arguments concerning any or all of the proposed regulations contained in this document, on or before January 6, 1975. Such data, views and arguments should be submitted to the Office of Employee Benefits Security, Labor Management Services Administration, P.O. Box 176, Washington, D.C. 20044. All comments should be clearly referenced to the numbers of the Parts to which the comments are directed.

It is emphasized that because the regulations proposed in this document must be effective without delay, comments received later than January 6, 1975 will not be considered in the preparation of the final regulations. While under other circumstances the Department of Labor may grant extensions of time for filing comments in order to compile the fullest record possible, such a policy is precluded here by the requirement of prompt publication in final form to serve the needs of affected persons or organizations. Therefore, no such extension can or will be granted to any person for comments relating to the regulations proposed in this document.

1. Proposed Part 2505 introduced by a preamble follows:

Section 3(37)(A)(i)–(iv) of the Employee Retirement Income Security Act of 1974 (the Act) prescribes certain requirements that a plan must satisfy to be a multiemployer plan under the Act. Section 3(37)(A)(v) of the Act authorizes the Secretary of Labor (the Secretary) to issue regulations prescribing further requirements.

Before the enactment of the Act, plans maintained pursuant to one or more collective bargaining agreements between an employee organization and more than one employer, like single employer plans, were required under the Welfare and Pension Plans Disclosure Act (WPPDA) to file certain reports. The WPPDA did not treat such plans differently than single employer plans. Therefore these employers and employee organizations had no reason to form such plans other than in furtherance of a substantial purpose unrelated to statutory advantage. In recognition of this fact, the Secretary is not prescribing for such plans further requirements beyond the criteria in section 3(37)(A)(i)–(iv) of the Act.

The proposed regulation prescribes a further requirement which must be met for any plan which came into existence on or after September 2, 1974, to be a multiemployer plan under the Act, namely that there was a substantial business purpose for establishment of the plan. Establishment of a plan merely to obtain the advantages of multiemployer plan status under the Act will not satisfy the substantial business purpose test.

In determining whether a substantial business purpose existed, the factors set forth in § 2505.3 will be considered.

Accordingly, I propose to amend Chapter XXV of Title 29 of the Code of Federal Regulations by adding a new Part 2505 to read as follows:

SUBCHAPTER B—DEFINITION OF TERMS USED IN SUBCHAPTERS C, D, E, F, AND G OF THIS CHAPTER

PART 2505—DEFINITION OF MULTIEMPLOYER PLAN

Sec.

2505.1 Purpose.
2505.2 Requirements for a plan in existence before September 2, 1974.
2505.3 Additional requirement for a plan which came into existence on or after September 2, 1974.
2505.4 Further requirements.

AUTHORITY: Sec. 505, Pub. L. 93–406, 88 Stat. 894 (29 U.S.C. 1135) and Sec. 3(37)(A)(v), Pub. L. 93–406, 88 Stat. 839 (29 U.S.C. 1002).

§ 2505.1 Purpose.

Section 3(37) of Title I of the Employee Retirement Income Security Act of 1974 (the Act) contains, in subparagraph (a)(i)–(iv), a number of criteria which must be satisfied in order for an employee benefit plan to be a multiemployer plan under the Act. The Act also provides that the Secretary may issue further requirements which a plan must meet before it shall be considered a multiemployer plan under the Act. The purpose of this regulation is to provide one such further requirement which the Secretary deems necessary for a plan not in existence before September 2, 1974 to meet to be considered a multiemployer plan.

§ 2505.2 Requirements for a plan in existence before September 2, 1974.

A plan established before September 2, 1974, shall be considered a multiemployer plan if it satisfies the requirements prescribed in section 3(37)(A)(i)–(iv) of the Act. A plan is established, for purposes of this regulation, on the date that the operative terms and conditions of the plan, including provisions concerning eligibility to participate and the nature of benefits, are adopted.

§ 2505.3 Additional requirements for a plan which came into existence on or after September 2, 1974.

The Secretary has determined that a plan which was established on or after September 2, 1974, will not be considered a multiemployer plan, even if it satisfies the requirements prescribed in section 3(37)(A)(i)–(iv) of the Act, unless it is shown that the plan was established for a substantial business purpose. A plan to which several employers contribute merely to take advantage of multiemployer plan status under the Act will not be considered to have been established for a substantial business purpose. As is clear from the factors listed below, the term "substantial business purpose" includes the interests of labor organizations in securing plan benefits for employees. The following factors are relevant to the consideration of whether a substantial business purpose existed for the establishment of a plan. Any single factor may be sufficient to constitute a substantial business purpose. The relevant factors are:

(a) The extent to which the plan consists of a substantial number of unaffiliated contributing employers and covers a substantial portion of the industry in terms of employees or a substantial number of the employees in the industry in a particular geographic area;

(b) The extent to which the plan provides benefits more reasonably related to employees' years of service in the industry under consideration than could a single employer plan, because the employees' relationships with any particular employer in the industry generally are short-term although their service in the industry is long-term;

(c) The extent to which there exists a pattern of collective bargaining on matters other than employee benefit plans between the employee organization and the group of employers seeking multiemployer plan status for the plan; and

(d) The extent to which the administrative burden and expense of providing coverage through a number of single-employer plans would be greater than under one plan.

§ 2505.4 Further requirements.

The Secretary may prescribe further requirements pursuant to section 3(37)(A)(v) should he determine that it is necessary to do so.

2. Proposed Part 2520 introduced by a preamble follows:

The reporting and disclosure provisions (Part 1, Title I) of the Employee Retirement Income Security Act of 1974 (the Act) generally become effective on January 1, 1975. On the same date, the Act repeals the Welfare and Pension Plan Disclosure Act (WPPDA), which currently places reporting requirements on certain employee benefit plans.

Section 111(b)(2) of the Act permits the Secretary of Labor to postpone the effective date of any provision of Part 1 of Title I for plans which do not operate on a calendar year basis. In addition, section 111(b)(2) authorizes the Secretary to postpone the effective date of the repeal of the WPPDA as it applies to the same non-calendar year plans, so as to insure continuity of reporting for those plans subject to the WPPDA. The Act authorizes postponement until the first day of the first non-calendar plan year that begins after January 1, 1975.

The proposed regulation postpones the effective date of the Act and the repeal of the WPPDA as regards provisions related to annual financial reports. The postponement is to the first day of the first non-calendar plan year that begins after January 1, 1975.

The effect of the postponement is that administrators of non-calendar year plans are not required to comply with the following provisions of the Act until the first plan year which begins after January 1, 1975: the requirement to file an annual report with the Secretary of Labor (section 103); the requirement to make copies of the annual report available for examination (section 104(b)(2)); the requirement to furnish a copy of certain portions of the annual report and a summary of the annual report to participants in the plan and to beneficiaries receiving benefits under the plan (section 104(b)(3)); and the requirement to furnish, on request and with a reasonable charge permitted, a copy of the annual report (section 104(b)(4)). No other provisions of part 1 of title I of the Act are affected; plan administrators must satisfy all other filing and disclosure requirements of the times stated in the Act.

A further effect of the postponement is that administrators of non-calendar year plans are required to comply with the annual reporting provisions of the WPPDA until the first day of the first plan year after January 1, 1975.

For example, a plan having a plan year which begins on April 1 and ends on March 31 will not be subject to the annual reporting requirements of the Act or the requirement that participants and beneficiaries be furnished a summary and certain parts of the annual report until the plan year beginning April 1, 1975. The plan will not be required to make copies of an annual report available for examination or to furnish such copies on request. However, such plan will be required to file an annual report pursuant to the provisions of the WPPDA (if the plan is subject to such requirements) for the plan year which ends March 31, 1975, make such report available for inspection by participants or beneficiaries, and furnish to participants or beneficiaries, on written request, either an adequate summary of the report or a copy of it.

The rationale for postponing the effective date of the annual reporting and disclosure requirements for plans having a non-calendar fiscal year is that the Department's needs for, and the participant's interests in, receiving reports covering partial years do not justify the cost and difficulty of developing such reports. Without this deferral, plans on a non-calendar year basis would have to report and disclose under the Act on a partial year basis (January 1, 1975 to the end of the plan's year). Many of the annual reporting requirements, such as a statement of present value of plan's liability for vested benefits allocated by termination priority categories, require a substantial amount of time to prepare. Some plans, with plan years that end shortly after January 1, 1975, would have to compile this data much earlier than calendar year plans. Apart from the burdensome and inequitable nature of this requirement, reporting for periods shorter than a full year may provide a misleading picture of a plan's financial posture. The delay in initial ERISA reporting permitted by the proposed regulations would be partially offset by continued WPPDA reporting, where applicable.

Under the proposed regulation, annual financial reporting and related disclosure under the Act will not be required for any plan fiscal year which overlaps with calendar year 1974. Recordkeeping and annual reporting and disclosure under the WPPDA for such a plan fiscal year, however, will be required for plans subject to the WPPDA.

Accordingly, I propose to amend Chapter XXV of Title 29 of the Code of Federal Regulations by adding a new Part 2520 to read as follows:

PART 2520—GENERAL PROVISIONS REGARDING REPORTING AND DISCLOSURE

Sec.

2520.30 Postponement of effective date of reporting requirements and extension of WPPDA reporting requirements.

AUTHORITY: Sec. 505, Pub. L. 93-406, 88 Stat. 894 (29 U.S.C. 1135) and also as specifically noted.

§ 2520.30 Postponing effective date of reporting requirements and extending WPPDA reporting requirements.

(a) The effective date of January 1, 1975 of the annual financial reporting and related disclosure requirements of section 103 of the Employee Retirement Income Security Act of 1974 (the Act), is postponed for any employee benefit plan having a plan year other than a calendar year. These requirements shall become effective as to such plans on the first day of the first plan year beginning after January 1, 1975. These provisions include the requirements that a plan administrator file an annual financial report with the Secretary of Labor (sections 101(b)(4), 103(a)(1)(A) and 104(a)(1)(A)) and furnish and make available to plan participants and to beneficiaries receiving benefits under the plan certain statements and schedules and a summary of the latest annual report (sections 104(b)(3), and 101(a)(2) and 104(b)(4) insofar as they relate to annual financial reports).

(b) The repeal of the annual reporting requirements of section 7 and the requirements for disclosure to participants and beneficiaries relating to annual reports of section 8(a)(2) of the Welfare and Pension Plans Disclosure Act (29 U.S.C. 306) is postponed from January 1, 1975 for any employee benefit plan having a plan year other than a calendar year. For non-calendar year plans subject to the WPPDA reporting requirements, such annual reporting and disclosure provisions of the WPPDA shall remain in effect through the last day of any plan year beginning before January 1, 1975, and ending after December 31, 1974.

(c) This postponement does not delay the effective date of any other provisions of Part 1, Title I of the Act.

(Sec. 111(b)(2), Pub. L. 93-406, 88 Stat. 852 (29 U.S.C. 1031))

3. Proposed Part 2521 introduced by a preamble follows:

Section 104(a)(3) of the Employee Retirement Income Security Act of 1974 (the Act) permits the Secretary of Labor (the Secretary) to exempt any welfare benefit plan subject to the requirements of Part 1 of Title I of the Act from any of the reporting and disclosure requirements of Part 1 or to provide for simplified reporting and disclosure if he finds that the full requirements are inappropriate as applied to welfare benefit plans.

The proposed regulation would provide an exemption for welfare benefit plans that are either unfunded or are funded exclusively through insurance contracts, and which have, at all times during a plan year, fewer than 100 participants. Such exempted plans would not be required to file with the Secretary the plan description, a copy of the summary plan description, material modifications to the plan or changes in plan description information, annual reports and terminal reports. In addition, these plans would not be required to furnish to plan participants and to beneficiaries receiving benefits under the plan certain schedules from, and a summary of, the annual report as required by section 104(b)(3) of the Act.

They would also be relieved of the requirements to make copies of the annual report available for examination (section 104(b)(2)) and to furnish, on request and with a reasonable charge permitted, a copy of the annual report (section 104(b)(4)).

The exemption provided under the proposed regulation applies only to those welfare plans and to those filings specified in the regulation. A plan exempted

from the requirements listed in the regulation must still comply with all other reporting and disclosure provisions of Part 1, including the requirement that a summary plan description be furnished to each plan participant and to each beneficiary receiving benefits under the plan. Also, notwithstanding the exemption from filing with the Secretary in the proposed regulation, the attention of administrators of these exempted unfunded or insured employee welfare benefit plans is invited to the last sentence of section 104(a)(1) of the Act and to section 513 of the Act, which require that plan administrators furnish plan documents, including but not limited to documents prepared for disclosure to participants, to the Secretary upon request and authorize the Secretary to conduct certain research surveys and studies.

In order to establish a registry of welfare plans covered by the Act and to facilitate requests for information from and about these plans in the future, the Secretary anticipates issuance of a regulation requiring each exempted plan to register with the Department of Labor before April 30, 1977. Details of the content of the registration statement and the time for registration will be set forth in that regulation.

The Secretary also anticipates issuance of regulations that will make it clear that other programs, including certain employer practices (whether pursuant to a collective bargaining agreement or not) under which employees are paid as a part of their regular compensation directly by the employer and under which no separate fund is established will not subject the employer to any filing or disclosure duties under Title I of the Act. Examples of the employer practices that may receive this treatment are payment of overtime pay, vacation pay, shift premiums, Sunday premiums, holiday premiums, jury duty or military duty, make-up pay, and pay while absent on account of illness or excused absences.

Section 110 of the Act authorizes the Secretary of Labor to prescribe on his own motion an alternative method of satisfying any requirement of part 1 of title I of the Act (relating to reporting and disclosure) with respect to any class of pension plans. The proposed regulation sets forth an alternative method to satify the requirements of section 104(a)(1)(C) and (b)(1) of the Act that plan administrators of pension plans in existence on January 1, 1975, file with the Secretary and furnish to plan participants and beneficiaries not later than April 30, 1975, copies of a summary plan description. Alternate methods are also provided to satisfy corollary requirements: section 104(b)(1) requires that plan administrators furnish plan participants and beneficiaries copies of a summary description of modifications in terms of the plan and changes in information required to be included in the summary plan description. Section 104(b)(1) also requires that the plan administrator furnish to plan participants and beneficiaries an updated summary plan description within a 5-year period after the plan becomes subject to Part 1 of Title I of the Act.

It is expected that most plans that use the alternative will have furnished summaries to the great majority of participants and beneficiaries before January 1, 1975. These participants and beneficiaries need not be furnished an additional free copy of the summary unless they request one.

Pension plans that follow the alternate procedure may use already prepared summaries as interim summary plan descriptions until the plans adopt amendments necessary to bring themselves into compliance with the Act.

Such plans would not have to distribute new summary plan descriptions to participants and beneficiaries for the April 30, 1975, deadline. They would, however, have to see that interim summary plan descriptions were furnished to every appropriate person by that date, and also supplementary statements adding essential facts not in the interim descriptions (for example, whether a pension plan is covered by the termination insurance provisions of Title IV of the Act)

Pension plans that use the alternative must later furnish a completely updated summary plan description to participants and beneficiaries, reflecting the major changes made in the plan to comply with the act. These would include, among others, vesting, funding, participation and fiduciary responsibility provisions. These changes would otherwise be reported separately.

The deadlines for furnishing summaries under the alternative generally follow the pattern of the Act, except that there are two reference points instead of one: January 1, 1975 (as in the Act) and the start of the first plan year in 1976 (by which time most pension plans will have completed major amendments for ERISA). More specifically, the following deadlines will apply.

On or before April 30, 1975—the 120th day after January 1, 1975—all persons who would otherwise receive summary plan descriptions must have been furnished interim summary plan descriptions and supplementary statements. This includes all who are participants or beneficiaries receiving benefits from the plan as of January 31, 1975.

For all who become participants or beneficiaries receiving benefits from the plan after January 31, 1975, and before the 31st day of the plan year that begins in 1976, interim summary plan descriptions and supplementary statements must be furnished within 90 days after they become such participants or beneficiaries.

On or before the 120th day of the plan year that begins in 1976, updated summary plan descriptions must be furnished to all who are participants or beneficiaries receiving benefits from the plan as of the 31st day of that plan year. The normal requirements of section 104(b)(1) of the Act apply to those who become such participants or beneficiaries later—i.e., they must be furnished updated summary plan descriptions within 90 days.

The deadline for the next five-year or 10-year updating of the plan summary description will be based on the starting date of the plan year that begins in 1976, rather than on January 1, 1975.

Both the interim summary plan description (with supplementary statements) and the updated summary plan description must meet the requirements of section 102 of the Act as to content, accuracy and comprehensiveness. The updated summary plan description must integrate all plan amendments.

The alternative method of compliance set forth in the proposed regulation in no way affects the obligations of a plan administrator under sections 101(b)(2) and 104(a)(1)(B) of the Act to file the plan description with the Secretary, and under sections 101(b)(3) and 104(a)(1)(D) to file modifications and changes in plan description information with the Secretary.

The proposed regulation requires that copies of the interim summary plan description and the supplementary statement be filed with the Secretary no later than April 30, 1975, and that the updated summary plan description be filed no later than the 120th day of the plan year beginning in 1976. In addition, the proposed regulation includes a transitional rule relating to the summary description of material modifications and changes in summary plan description information required under section 104(b)(1) of the Act.

For example, a plan is established in 1970 and distributes to all participants copies of a summary description which accurately and comprehensively sets forth pertinent information about the plan.

In 1973, the plan is extensively amended. The amendments do not affect beneficiaries receiving benefits at the time of their adoption. The plan distributes copies of a new summary description which accurately and comprehensively sets forth pertinent information about the plan, as amended, to all participants. As new participants are added, the plan distributes copies of the 1973 summary description to them.

By April 30, 1975, the plan furnishes to all persons who are participants or beneficiaries receiving benefits as of January 31, 1975 an additional statement containing necessary information not in the 1973 summary description (which is referred to herein as the "interim summary plan description"). Also, the plan checks records of earlier distributions and makes any additional distribution that may be needed to assure that all persons who are participants or beneficiaries receiving benefits as of January 31, 1975 have received an interim summary plan description by April 30, 1975. The plan also files copies of the interim summary plan description and the additional statement with the Secretary of Labor by April 30, 1975.

The plan continues to furnish interim summary plan descriptions and additional statements to persons who become

participants and beneficiaries receiving benefits after January 31, 1975 within 90 days after they attain such status.

On September 1, 1975, the plan adopts extensive amendments to bring it into compliance with the Act. The plan files these modifications and changes with the Secretary of Labor on or before October 31, 1975.

The plan operates on a plan year that begins July 1. On October 29, 1976 (the 120th day of the plan year that begins in 1976) the plan furnishes an updated summary plan description that integrates all amendments to persons who are participants or beneficiaries receiving benefits as of August 1, 1976. The plan also files a copy of the updated summary plan description with the Secretary of Labor.

The plan furnishes copies of the updated summary plan description to persons who become participants and beneficiaries receiving benefits after August 1, 1976 in conformity with the requirements of section 104(b)(1) of the Act—that is, within 90 days after they attain such status.

The next updated summary plan description will be made within five or ten years (as applicable) of October 29, 1976. The plan is not required to furnish copies of a summary description of the modifications and changes adopted September 1, 1975, as it otherwise would have to do within 210 days after the end of the plan year in which they were adopted.

In order to prescribe an alternative method of compliance under section 110 of the Act, the Secretary must make certain determinations which are set forth in that section. The Secretary intends to make the following determinations with respect to the proposed alternative method of initial reporting and disclosure for pension plans:

(1) The use of the alternative method is consistent with the purposes of Title I of the Act and provides adequate disclosure to participants and beneficiaries in plans which may use the alternative method, and adequate reporting to the Secretary. The alternative method is designed to provide reporting and disclosure which is no less thorough and timely than would be required under sections 102 and 104(b)(1) of the Act.

(2) The application of the requirements of sections 102 and 104(b)(1) of the Act would impose unreasonable administrative burdens with respect to the operation of plans which have already distributed summaries that substantially meet the requirements of the Act, yet which require extensive amendments to comply with the provisions of Parts 2, 3, and 4 of Title I of the Act. These summaries would be wasted, while a new summary plan description (little different in content) distributed to all participants and beneficiaries receiving benefits in accordance with the time requirements of section 104(b)(1) of the Act would be out of date soon after distribution, necessitating an extensive summary description of plan amendments.

(3) The application of Part 1 of Title I of the Act would be adverse to the interests of participants in those plans which will use the alternative method, in the aggregate. The amendments made necessary by Part 2 of Title I of the Act may change the participation, vesting and accrual of benefits rules of most pension plans significantly, and may have other effects. Under the statutory scheme, a new summary plan description would be furnished some eight months after passage of the Act. Yet, contrary to the normal expectations of participants, this new document would not describe the plan as changed to meet the Act's requirements. The later presentation of major plan amendments by a summary description of modifications to the plan would be confusing, and it would be necessary to consult and compare two extensive documents, the plan summary description and summary description of modifications, to determine the current terms of the plan.

Accordingly, I propose to amend Chapter XXV of Title 29 of the Code of Federal Regulations by adding a new Part 2521 to read as follows:

PART 2521—EXEMPTIONS AND VARIATIONS FROM REPORTING AND DISCLOSURE REQUIREMENTS

Subpart A—Exemption for Certain Welfare Plans

Sec.

2521.10 Exemption from filing requirements for certain welfare plans.

Subpart B—Alternative Methods of Compliance for Pension Plans

2521.30 Alternative methods of initial reporting and disclosure for pension plans.

AUTHORITY: Sec. 505, Pub. Law 93-406, 88 Stat. 894 (29 U.S.C. 1135) and also as specifically noted.

Subpart A—Exemption for Certain Welfare Plans

§ 2521.10 Exemption from filing requirements for certain welfare plans.

(a) Under the authority of section 104(a)(3) of the Employee Retirement Income Security Act of 1974 (the Act), the administrator of any employee welfare benefit plan which covers fewer than 100 participants at all times during a plan year and which does not utilize a trust fund or other separately maintained fund for accumulation of plan assets or disbursing of plan benefits, is exempted from certain provisions of Part I of Title I of the Act which require filing with the Secretary of Labor and disclosure to plan participants and to beneficiaries receiving benefits under the plan. Specifically, the administrator of such a plan (1) is not required to file with the Secretary any plan description, copy of the summary plan description, description of a material modification in terms of a plan or change in the information required to be included in the plan description, annual report and terminal report, and (2) is not required to furnish plan participants and beneficiaries receiving benefits under the plan with statements of the plan's assets and liabilities and receipts and disbursements and a summary of the annual report as required by section 104(b)(3) of the Act.

(b) This exemption from filing applies only to welfare benefit plans having fewer than 100 participants at all times during a plan year and (1) for which benefits are paid as needed from the general assets of the employer or employee organization administering the plan or (2) the benefits of which are provided exclusively through insurance contracts or policies issued by an insurance company or similar organization which is qualified to do business in any State or (3) both.

(c) This exemption from filing with the Secretary does not exempt the administrator of an employee benefit plan from any other requirement of Title I of the Act, including the requirements of disclosure to participants and beneficiaries, and the provisions which require that plan administrators furnish certain documents to the Secretary of Labor upon request (section 104(a)(1)) and authorize the Secretary of Labor to collect information and data from employee benefit plans for research and analysis (section 513).

(Sec. 104, Pub. L. 93-406, 88 Stat. 847 (29 U.S.C. 1024))

Subpart B—Alternative Methods of Compliance for Pension Plans

§ 2521.30 Alternative method of initial reporting and disclosure for pension plans.

Under the authority of section 110 of the Act, this section sets forth an alternative method for pension plans to comply with the following provisions of the Act and of the regulations in this chapter: Subsections (a)(1)(C) and (b)(1) of section 104 of the Act and §§ 2522.30 and 2523.20 of this chapter, which require that plan administrators of pension plans in existence on January 1, 1975, file with the Secretary, and furnish to plan participants and beneficiaries, copies of a summary plan description not later than April 30, 1975; section 104(b)(1) of the Act, which requires that plan administrators furnish to plan participants and beneficiaries copies of a summary description of modifications in terms of the plan and changes in information required to be included in the summary plan description; and section 104(b)(1) of the Act, which requires that plan administrators furnish to plan participants and beneficiaries copies of a summary description of modifications in terms of the plan and changes in information required to be included in the summary plan description; and section 104(b)(1) of the Act, which requires that the plan administrator furnish to plan participants and beneficiaries an updated summary plan description within a [5] year period after the plan becomes subject to Part 1 of Title I of the Act. The requirements of this alternative

method of compliance for pension plans are as follows:

(a) Not later than April 30, 1975, the plan shall have furnished, without charge, to each person who is a participant of the plan or a beneficiary receiving pension benefits from the plan as of January 31, 1975—

(1) A copy of a summary plan description which satisfies the requirements of section 102(a)(1) of the Act and § 2523.25 of this chapter (relating to the style and format of the summary plan description) and which contains, in a substantially comprehensive and accurate form, the information required under section 102(b) of the Act and § 2523.35 of this chapter (relating to the content of the summary plan description); and

(2) A copy of a statement containing any additional or changed information, including information about rights of participants and beneficiaries under the Act, necessary to provide—in combination with the summary plan description referred to in paragraph (1)—the full summary plan description content required by section 102(b) of the Act and § 2523.35 of this chapter.

(b) The plan administrator shall furnish, without charge, to each person who becomes a participant of the plan or a from the plan within the period starting beneficiary receiving pension benefits on February 1, 1975, and ending on the 30th day of the plan year which begins in 1976, copies of the plan description and statement referred to in paragraph (a). The documents shall be furnished within 90 days after the person becomes such a participant or beneficiary.

(c)(1) Not later than the 120th day of the plan year beginning in 1976, the plan administrator shall furnish, without charge, to each person who is a participant of the plan or beneficiary receiving pension benefits from the plan as of the 31st day of the plan year which begins in 1976, a copy of an updated summary plan description which integrates all plan amendments not described accurately and comprehensively in the summary plan description referred to in paragraph (a). The updated description shall be written so as to satisfy the requirements of section 102(a)(1) of the Act and § 2523.25 of this chapter (relating to style and format) and of section 102(b) of the Act and § 2523.35 of this chapter (relating to content).

(2) The plan administrator shall furnish, without charge, a copy of the updated summary plan description to each person who becomes such a participant or beneficiary after the 31st day of the plan year beginning in 1976, within the time prescribed in section 104(b)(1)(A) of the Act.

(d) The plan administrator shall file with the Secretary

(1) Copies of the plan summary description and statement referred to in paragraph (a), not later than April 30, 1975, and

(2) A copy of the updated plan summary description referred to in paragraph (c), not later than the 120th day of the plan year beginning in 1976.

(e)(1) For purposes of the requirement of section 104(b)(1) of the Act that an updated summary plan description be furnished every 5th or 10th year, the pertinent year for the updated description referred to in paragraph (c) is the plan year beginning in 1976.

(2) A summary description of modifications to terms of the plan and changes in summary plan description information which are integrated into the updated description referred to in paragraph (c) need not be furnished to participants as would otherwise be required by section 104(b)(1).

(f) The plan administrator shall furnish, without charge, a copy of the summary plan description referred to in paragraph (a)(1) to any participant or beneficiary who had received a copy of such description before January 1, 1975, and requests the additional copy within the period starting January 1, 1975, and ending on the first day of the plan year beginning in 1976.

(Sec. 101, Pub. L. 93-406, 88 Stat. 840 (29 U.S.C. 1021); sec. 102, Pub. L. 93-406, 88 Stat. 841 (29 U.S.C. 1022); sec. 104, Pub. L. 93-406, 88 Stat. 847 (29 U.S.C. 1024); sec. 110, Pub. L. 93-406, 88 Stat. 851 (39 U.S.C. 1030); sec. 111, Pub. L. 93-406, 88 Stat. 851 (29 US.C 1031))

4. Proposed Part 2522, introduced by a preamble, follows:

The reporting and disclosure provisions of Part 1 of Title I of the Employee Retirement Income Security Act of 1974 (the Act) require that the administrator of an employee benefit plan subject to these provisions make certain filings with the Secretary of Labor (the Secretary). Through analysis of the information contained in these reports, data essential to the administration and enforcement of the provisions of Title I will be obtained.

Two such reports which must be filed with the Secretary are the plan description and a copy of the summary plan description. The plan description contains detailed information concerning the nature and terms of the plan. It must be completed on a form prescribed by the Department of Labor. Plans in existence on January 1, 1975 must file a plan description by April 30, 1975. Plans established after January 1, 1975, must file a plan description within 120 days after their establishment.

The proposed "Plan Description" Form EBS-1, is now available for inspection and comment before its issuance in final form. Interested persons may obtain a copy of the proposed EBS-1 by writing or calling Mr. Charles Caldwell, Information Director; Labor-Management Services Administration, U.S. Department of Labor, 14th Street and Constitution Avenue, NW, 20210 (202-961-5074). Copies of the proposed EBS-1 will also be available from the Office of Management and Budget as specified in the "Clearance of Reports" notice published in the FEDERAL REGISTER by that office.

A copy of the summary plan description required to be furnished to plan participants and to beneficiaries receiving benefits under the plan must also be filed with the Secretary of Labor. However, a plan administrator, as defined in section 3(16) of the Act, who has furnished summary plan description on Form EBS-1 in accordance with § 2523.30 of this chapter, may use the plan description form EBS-1 to satisfy the filing requirements for both the plan description and a copy of the summary plan description. If the plan administrator uses this option, he need file only the plan description form EBS-1 with the Secretary, but such form shall be clearly marked to indicate that it was used as the summary plan description.

Where Form EBS-1 is used as the summary plan description, it must be completed in a manner calculated to be understood by the average plan participant and must be sufficiently accurate and comprehensive to inform such participants and beneficiaries adequately of their rights under the plan. A new Part 2523 sets forth general rules relating to publication of the summary plan description, and specifies in § 2523.30 the manner in which the plan description form must be completed if the administrator uses the form as a summary plan description as well as a plan description.

A plan administrator who does not use the form EBS-1 for purposes of filing both the plan description and a copy of the summary plan description may prepare more than one summary plan description in order to provide different groups of plan participants and beneficiaries receiving benefits under the plan with appropriately different summary plan descriptions. In this case the plan administrator must file with the Secretary a copy of each different summary plan description and a list identifying all the different summary plan descriptions.

Accordingly, I propose to amend Chapter XXV of Title 29 of the Code of Federal Regulations by adding a new Part 2522 to read as follows:

PART 2522—FILING WITH THE SECRETARY OF LABOR

Subpart A—General

Sec.
2522.1 General.

Subpart B—Plan Description

2522.10 Plan description filing obligation.
2522.20 Plan description form.

Subpart C—Summary Plan Description

2522.30 Obligation to file copy of summary plan description.
2522.35 Filing of multiple summary plan descriptions.
2522.40 Alternative to filing copy of summary plan description.

AUTHORITY: Sec. 505, Pub. L. 93-406, 88 Stat. 894 (29 U.S.C. 1135) ad also as specifically noted.

Subpart A—General

§ 2522.1 General.

Part 1 of Title I of the Employee Retirement Income Security Act of 1974 (the Act) requires that the administrator of an employee benefit plan subject to the provisions of Part 1 file with the

Secretary of Labor certain reports and additional documents. Each report filed shall accurately and comprehensively detail the information required. Where a form is prescribed, the report shall be filed on that form. The Secretary may reject any incomplete filing. Reports and documents shall be filed with the Office of Employee Benefits Security, Labor-Management Services Administration, U.S. Department of Labor, P.O. Box 176, Washington, D.C. 20044.

Subpart B—Plan Description

§ 2522.10 Plan description filing obligation.

The administrator of an employee benefit plan subject to the requirements of Part 1 of Title I of the Act shall file a plan description with the Secretary of Labor within 120 days after the plan becomes subject to Part 1. For example, a plan in existence on January 1, 1975 will be required to file not later than April 30, 1975. A plan established on July 1, 1975 will be required to file not later than October 29, 1975.

§ 2522.20 Plan description form.

The plan description shall be filed on U.S. Department of Labor Form EBS–1, entitled "Plan Description" in accordance with this part and the instructions to the form.

Subpart C—Summary Plan Description

§ 2522.30 Obligation to file copy of summary plan description.

The administrator of an employee benefit plan subject to the requirements of Part 1 of Title I of the Act shall file with the Secretary of Labor a copy of the summary plan description which is required to be furnished, as prescribed in Part 2523 of this chapter, to participants in the plan and beneficiaries receiving benefits under the plan. This copy of the summary plan description shall be filed within 120 days after the plan becomes subject to Part 1. For example, a plan in existence on January 1, 1975, will be required to file not later than April 30, 1975. A plan established on July 1, 1975 will be required to file not later than October 29, 1975.

§ 2522.35 Filing of multiple summary plan descriptions.

In the case of a plan for which the plan administrator has chosen under § 2523.-22 for this chapter to prepare more than one summary plan description, the plan administrator shall file with the Secretary a copy of each such summary plan description and a list identifying each such summary plan description. The identification number assigned to the plan by the plan sponsor pursuant to instructions of the Internal Revenue Service shall appear on the cover page of each summary plan description filed and also on the list of such summary plan descriptions.

§ 2522.40 Alternative to filing copy of summary plan description.

A plan administrator who has furnished summary plan descriptions on Form EBS–1, in accordance with § 2523.-30 of this chapter may use Form EBS–1, "Plan Description" to satisfy two filing requirements: filing with the Secretary (1) a plan description and (2) a copy of the summary plan description. Form EBS–1 includes special instructions for those using this option. Where this option is used, the form filed with the Secretary shall be clearly marked to indicate that it was used as the summary plan description. Part 2523 prescribes the manner in which any summary plan description—including one executed on form EBS–1—shall be completed and shall be furnished to participants and beneficiaries.

(Sec. 101, Pub. L. 93–406, 88 Stat. 840 (29 U.S.C. 1021); sec. 102, Pub. L. 93–406, 88 Stat. 841 (29 U.S.C. 1022); sec. 104, Pub. L. 93–406, 88 Stat. 847 (29 U.S.C. 1024); sec. 109, Pub. L. 93–406, 88 Stat. 850 (29 U.S.C. 1029); sec. 111, Pub. L. 93–406, 88 Stat. 851 (29 U.S.C. 1031))

5. Proposed Part 2523 introduced by a preamble follows:

The provisions of Part 1 of Title I of the Employee Retirement Income Security Act of 1974 (the Act) require that the administrator of an employee benefit plan subject to these provisions make certain disclosures, in the form of reports, statements, and documents, to plan participants and beneficiaries. These disclosures are intended to provide participants and beneficiaries with essential information concerning their plans and their rights under Title I of the Act.

Generally, the disclosures required under the Act fall into three categories. First, some disclosures must be made by operation of law to all participants and beneficiaries regardless of whether they request the information to be disclosed. In this category are, among other documents, the summary plan description, updated summary plan descriptions and summary descriptions of all material modifications to the plan and changes in the information required to be included in the summary plan description. Second, some disclosures in the form of furnishing information or copies of documents relating to the plan must be made to participants and beneficiaries who request these disclosures in writing. This category includes documents listed in section 104(b)(4) and statements of accrued and vested rights to benefits of participants and beneficiaries. Third, section 104(b)(2) of the Act requires that certain documents be made available for examination by any plan participant or beneficiary in the original office of the plan administrator and elsewhere.

Where the Act requires that the plan administrator furnish a report, statement or document by operation of law without any request, the report, statement, or document must be sent by first class mail unless another method of delivery is at least as likely to result in full distribution. The use of first class mail is necessary in order to ensure that material mailed to an out-of-date address will be forwarded to the correct address, where the correct address is known to the Postal Service. Although the use of other means of delivery, such as personal delivery, may be sufficiently effective to be acceptable under this rule, a random distribution to employees is unacceptable.

A report, statement or document which the plan administrator must furnish to a participant or beneficiary on written request must be mailed or personally delivered to the participant or beneficiary who requested it. Use of first-class mail is not required; since the beneficiary or participant requesting the material can furnish a correct, up-to-date address along with the request, there should be no need for forwarding.

The Department of Labor prescribes in this regulation the maximum amount constituting a reasonable charge for documents which must be furnished to participants or beneficiaries on written request under section 104(b)(4). (Although a copy of one document listed in section 104(b)(4), the summary plan description, must be furnished without any request and without charge, an additional copy supplied on request would be subject to a reasonable charge.)

The proposed regulation requires that the plan charge no more than the actual cost for reproduction of the document furnished, but in no event more than 20 cents per page. An excessive charge for furnishing documents would defeat the disclosure rights established by the Act. On the other hand, it would be unduly burdensome for a plan to be required to furnish the documents specified in section 104(b)(4) of the Act without any reimbursement. The cost to plans for reproducing plan documents varies widely, depending on the size of the plan, the type of document and like factors. Where a plan makes a large printing of a document, for example, the per-page cost is far lower than for individual copying.

No charge for handling costs or postage is permitted. These costs are associated with performance of a service function of the plan and are more appropriately met from the plan's funds than by a particular participant. In addition, allocation of handling costs would be imprecise and impractical.

The summary plan description must be furnished within 120 days of the date when the plan becomes subject to part 1 of title I of the Act to those who as of that date are participants in the plan or beneficiaries receiving benefits under the plan and to those who within 30 days after that date become eligible to participate in the plan or first receive benefits under the plan. This means that the administrator of a plan in existence on January 1, 1975 will be required to furnish copies of the summary plan description on or before April 30, 1975, to persons who as of January 30, 1975, are participants in the plan or are receiving benefits under the plan as plan beneficiaries (other than a participant's dependent receiving benefits under a welfare

benefit plan). The summary plan description must be furnished to other participants within 90 days after they become eligible to participate in the plan and to most other beneficiaries within 90 days after they first receive benefits under the plan. Participants who have been furnished a copy of the summary plan description need not be furnished an additional copy within 90 days after they first receive benefits under the plan. A participant's dependent who receives benefits under a welfare benefit plan need not be furnished a copy of the summary plan description, since the participant's copy will generally be available to the dependent.

The plan administrator may prepare and furnish the summary plan description as a separate document or may use a completed copy of Form EBS–1, which is the prescribed form for the plan description required to be filed with the Secretary of Labor (see Part 2522 of this chapter, which deals with requirements for filing with the Secretary). Where Form EBS–1 is used as the summary plan description, it must be completed in a manner calculated to be understood by the average plan participant, in accordance with the instructions to the form and with § 2523.25. If a separate summary plan description is used, it must comply with the requirements of §§ 2523.25 and 2523.35.

In some cases a plan may provide different benefits for various classes of participants and beneficiaries. In such cases, a plan administrator may furnish different summary plan descriptions to the different classes of participants and beneficiaries. Each summary plan description must provide all the information pertinent to members of the class to which it is addressed. The cover of the plan summary description must contain a statement clearly identifying the class to which it is addressed and outlining the plan's coverage of other classes. This requirement is intended to inform recipients of descriptions covering only part of a plan about the other information furnished by the plan which is not being made available to them. This should help to alert participants who may have received a summary plan description not applicable to them, or may need an additional description because they fall into more than one class for purposes of plan information.

In some instances a plan may cover one or more facilities at which a majority of participants are literate only in a language other than English and would experience considerable difficulty in understanding the summary plan description in English. In order to inform these participants and beneficiaries adequately of their rights under the plan, the plan summary description must prominently display a notice, in the language best understood by these participants, offering them assistance, upon request, so that they may have a reasonable opportunity to learn of the terms of their plan and of their rights and obligations under the plan. The assistance may be oral or written, and may involve interpretation or translation of plan documents, in whole or in part.

The information in the summary plan description (or in Form EBS–1, if used as the summary plan description) must be written in a manner calculated to be understood by the average plan participant. It must be sufficiently accurate and complete to give participants and beneficiaries a clear understanding of the terms of their plan and of their rights and obligations under the plan. The plan administrator must use considered judgment and discretion in determining what level of simplification, in terms of complicated concepts and unfamiliar words or terms, is appropriate for a given plan. Simple sentences, clear organization of ideas and such aids as diagrams and examples illustrating general rules are helpful at any level.

Accordingly, I propose to amend Chapter XXV of Title 29 of the Code of Federal Regulations by adding a new Part 2523 to read as follows:

PART 2523—DISCLOSURE TO PARTICIPANTS AND BENEFICIARIES

Subpart A—General

Sec.
2523.1 Introduction.
2523.10 Fulfilling the disclosure obligation.

Subpart B—Summary Plan Description

2523.20 Obligation to furnish summary plan description.
2523.22 Option to prepare different summary plan descriptions for various classes of participants or beneficiaries.
2523.25 Style and format of summary plan description.
2523.30 Option to use plan description as summary plan description.
2523.35 Content of summary plan description.

Subpart C—Charges for Documents

2523.80 Reasonable charge for furnishing plan documents.

AUTHORITY: Sec. 505, Pub. L. 93–406, 88 Stat. 894 (29 U.S.C. 1135) and also as specifically noted.

Subpart A—General

§ 2523.1 Introduction.

Under Part 1 of Title I of the Employee Retirement Income Security Act of 1974 (the Act), the administrator of an employee benefit plan subject to the provisions of Part 1 must disclose certain material, including reports, statements and documents, to participants and certain beneficiaries. Disclosure under Part 1 takes three forms. First, the plan administrator must, by direct operation of law, furnish certain material to all plan participants and beneficiaries receiving benefits under the plan at stated times. Second, the plan administrator must furnish certain material to individual participants and beneficiaries (a) upon their request or (b) without request, on the occurrence of certain events. Third, the plan administrator must make certain material available to participants and beneficiaries for inspection at reasonable times and places.

§ 2523.10 Fulfilling the disclosure obligation.

(a) A plan administrator shall use measures reasonably calculated to ensure actual receipt by plan participants and beneficiaries of the material, including reports, statements and documents, required to be furnished, either by direct operation of law or on individual request, under this Part. Material which is required to be furnished to all participants and beneficiaries must be sent by first-class mail, unless another method of delivery is likely to result in full distribution. For example, personal delivery to employees at their worksite might be acceptable in some circumstances. In no case will it be acceptable merely to place copies of the material in locations frequented by participants. Material furnished upon a written request by a participant or beneficiary shall be mailed to a stated address or personally delivered to the participant or beneficiary. Material mailed to participants and beneficiaries upon their written request need not be sent by first class mail, but whatever class of mail is chosen must be reasonably calculated to ensure actual receipt by the participant or beneficiary requesting the material.

(b) Where certain documents are required to be made available for examination by participants and beneficiaries in the principal office of the plan administrator and in such other places as may be necessary to make available all pertinent information to all participants, disclosure shall be made pursuant to the provisions of this Part and such documents must be current, must be readily accessible and clearly identified, and copies must be available in sufficient number to accommodate the expected volume of inquiries.

Subpart B—Summary Plan Description

§ 2523.20 Obligation to furnish summary plan description.

(a) The plan administrator of each employee benefit plan shall furnish a copy of the summary plan description within 120 days after the plan becomes subject to part 1 of title I of the Act:

(1) to each person who is either a participant in the plan or a beneficiary receiving benefits under the plan (other than a participant's dependent receiving benefits under a welfare plan) on the date on which the plan becomes subject to part 1 of title I of the Act;

(2) to each employee who becomes eligible to participate in the plan within 30 days after the plan becomes subject to part 1 of title I of the Act, and

(3) to each beneficiary who first receives benefits under the plan within 30 days after the plan becomes subject to part 1 of title I of the Act (other than a participant's dependent receiving benefits under a welfare plan).

(b) In the case of an employee who becomes a participant in an employee benefit plan after the 30th day after the plan becomes subject to part 1 of title I of the Act, the plan administrator of

the plan shall furnish a copy of the summary plan description to the participant within 90 days after he or she becomes a participant in the plan.

(c) In the case of a beneficiary who first receives benefits under an employee benefit plan after the 30th day after the plan becomes subject to part 1 of title I of the Act (other than a participant in the plan or a participant's dependent who is receiving benefits under a welfare plan), the plan administrator of the plan shall furnish a copy of the summary plan description to the beneficiary within 90 days after the beneficiary first receives benefits under the plan.

§ 2523.22 Option to prepare different summary plan descriptions for various classes of participants or beneficiaries.

In some cases an employee benefit plan may provide different benefits for various classes of participants and beneficiaries. For example, a plan amendment altering benefits may apply only to those participants who are employees of an employer at the time the amendment is adopted or to employees who subsequently become participants, and not to participants who no longer are employees, or a plan may provide for different benefits for participants at different plants of the employer or even for different classes of participants in the same plant. In such cases the plan administrator may fulfill the requirement of furnishing a summary plan description to participants and beneficiaries by preparing a summary plan description for each class of participants or beneficiaries and furnishing a copy of the summary plan description appropriate to a particular class of participants or beneficiaries to each member of that class. Each summary plan description so prepared shall contain all information which is required to be contained in the summary plan description under § 2523.35, omitting only information which is not applicable to the class of participants or beneficiaries for which the summary plan description has been prepared. It shall also clearly and conspicuously identify on the cover the class of participants and beneficiaries for which it has been prepared and the plan's coverage of other classes. If the plan administrator elects to prepare more than one summary plan description, each such summary plan description shall be filed with the Secretary in the manner provided in § 2522.35 of this chapter.

§ 2523.25 Style and format of summary plan description.

(a) The summary plan description shall be written in a manner calculated to be understood by the average plan participant and shall be sufficiently comprehensive to apprise the plan's participants and beneficiaries of their rights and obligations under the plan. In fulfilling these requirements, the plan administrator shall exercise considered judgment and discretion by taking into account such factors as the level of comprehension and education of typical participants in the plan and the complexity of the terms of the plan. Consideration of these factors will usually require the limitation or elimination of technical jargon and of long, complex sentences, the use of clarifying examples and illustrations, the use of clear cross references, and a table of contents.

(b) The format of the summary plan description must not have the effect of misleading, misinforming or failing to inform participants and beneficiaries. For example, a summary plan description which highlights in boldface, large type the plan terms providing for nonforfeitable benefits and describes the circumstances which may result in denial or loss of benefits in small, hard-to-read type will not satisfy the requirements of section 102(a)(1) of the Act that the summary plan description be "written in a manner calculated to be understood by the average plan participant and * * * be sufficiently accurate and comprehensive to reasonably apprise * * * participants and beneficiaries of their rights and obligations under the plan."

(c) The summary plan description for a pension plan described in section 4021(a) of the Act (and not excepted under section 4021(b) of the Act) shall prominently display on the first page (or the outside front cover, if it is a booklet) the sentence "Certain benefits under this pension plan are insured by the Pension Benefit Guaranty Corporation" and a reference to the page or pages in the text which give the further information required by § 2523.35(1) of this chapter. The requirement of this subsection (c) shall not apply respecting summary plan descriptions furnished by a multiemployer plan before January 1, 1978.

(d) If a majority of the participants in one or more employer facilities covered by an employee benefit plan are literate only in a language other than the English language and the summary plan description in English would therefore fail to inform these participants adequately of their rights and obligations under the plan, the plan summary description shall prominently display a notice, in the language best understood by these participants, offering assistance in that language calculated to give them a reasonable opportunity to learn of the terms of their plans and of their rights and obligations under the plan, and clearly setting forth the procedures participants must follow in order to obtain such assistance.

§ 2523.30 Option to use plan description as the summary plan description.

An administrator of an employee benefit plan may furnish a copy of the plan description required to be filed with the Secretary to each plan participant and to each beneficiary receiving benefits under the plan as a substitute for a separate summary plan description. If an administrator chooses this optional method of disclosure, he must present the information required on Form EBS–1, "Plan Description", in a manner calculated to be understood by the average plan participant in accordance with the instructions to the form and with this part.

§ 2523.35 Contents of summary plan description.

If the plan administrator of an employee benefit plan does not use Form EBS–1, "Plan Description" to satisfy the requirements of this Part, the following information shall be included in the summary plan description:

(a) The name of the plan, and, if different, the name by which the plan is commonly known by its participants and beneficiaries;

(b) The name and address of any employer whose employees are covered by the plan and the name and address of any labor organization the members of which are covered by the plan or, in the case of a plan established or maintained by two or more employers or jointly by one or more employers and one or more employees organizations, the name and address of the association, committee, joint board of trustees, parent or most significant employer for a group of employers all of which contribute to the same plan, or other similar representative of the parties who established or maintain the plan;

(c) The employer identification number (EIN) assigned by the Internal Revenue Service to the plan sponsor and the plan number assigned by the plan sponsor pursuant to instructions of the Internal Revenue Service, if such numbers have been assigned;

(d) The type of pension or welfare plan, e.g., for pension plans, defined benefit, money purchase, profit sharing and for welfare plans, hospitalization, disability, pre-paid legal services;

(e) The type of administration of the plan, e.g., contract administration, joint board of trustees, etc.

(f) The name and address of the plan administrator, as that term is defined in section 3(16) of the Act;

(g) The name of the person designated as agent for service of legal process, and the address at which process may be served on such person;

(h) The names, titles, and addresses of any trustee or trustees of the plan;

(i) A description of the relevant provisions of any collective bargaining agreement under which the plan is established or operated and the names of the parties to the agreement and its expiration date; unless a copy of the collective bargaining agreement, and a summary of it, are distributed or made available to the participants and beneficiaries receiving benefits who are covered by the agreement;

(j) The plan's requirements respecting eligibility for participation and benefits. The summary plan description shall describe the plan's provisions relating to eligibility to participate in the plan, such as age or years of service requirements. For employee pension benefit plans, it shall also include a statement describing the plan's normal retirement age as that term is defined in section

3(24) of the Act, and a statement describing any other conditions which must be met before a participant will be eligible to receive benefits. Such plan benefits shall be described. For employee welfare benefit plans the summary plan description shall include a statement of the conditions pertaining to eligibility to receive benefits, and a description of the benefits. In the case of welfare plans providing extensive schedules of benefits (a medical care plan, for example), only a general description is required if reference is made to detailed schedules of benefits which are available without cost to any participant or beneficiary who so requests;

(k) A statement describing any joint and survivor benefits provided under the plan including any requirement that an election be made as a condition to accept or reject the joint and survivor annuity;

(l) Circumstances which may result in disqualification, ineligibility, or denial or loss of any benefits. The plan administrator of an employee pension benefit plan shall include a description of any provision of the plan relating to forfeiture of benefits, breaks in service and year of service rules. If an employee pension benefit plan is not insured under Title IV of the Act, this fact shall be clearly stated. If benefits of a pension plan are insured under Title IV of the Act, this fact shall be clearly stated, together with a statement that such insurance is limited in some respects and, if these limitations are not set forth, a statement that the plan administrator will provide furher information concerning such insurance. The name and address of the Pension Benefit Guaranty Corporation shall also be provided.

(m) A description and explanation, including beginning dates, of the plan provisions establishing twelve-month periods for computing years of participation, years of participation for accrual of benefits, years in which a specified number of hours of service must be completed to accrue benefits, and years of service used to compute vesting and breaks in service. The description shall state the service required to accrue full benefits and the manner in which accrual of benefits is prorated for employees failing to complete full service for the year;

(n) the sources of contributions to the plan—for example, employer, employee organization, employees.

(o) The identity of any organization or other entity used for the accumulation of assets through which benefits are provided. The summary plan description shall identify any insurance company, trust fund, or any other institution, organization, or entity which maintains a fund of the plan or through which the plan is funded or benefits are provided.

(p) The date of the end of the year for purposes of maintaining the plan's fiscal records;

(q) The procedures to be followed in presenting claims for benefits under the plan and the remedies available under the plan for the redress of claims which are denied in whole or in part (including procedures required under section 503 of Title I of the Act and Part 2560 of this chapter).

(Sec. 101, Pub. L. 93-406, 88 Stat. 840 (29 U.S.C. 1021); sec. 102, Pub. L. 93-406, 88 Stat. 841 (29 U.S.C. 1022); sec. 104, Pub. L. 93-406, 88 Stat. 847 (29 U.S.C. 1024); sec. 111, Pub. L. 93-406, 88 Stat. 851 (29 U.S.C. 1031))

Subpart C—Charges for Documents

§ 2523.80 Reasonable charge for furnishing plan documents.

(a) The plan administrator of an employee benefit plan may impose a reasonable charge to cover the cost of furnishing the following information, statements or documents to participants and beneficiaries upon their written request as required under section 104(b)(4) of the Act: the latest updated summary plan description, plan description, and the latest annual report, any terminal report, the bargaining agreement, trust agreement, contract, or other instruments under which the plan is established or operated. No charge may be assessed for furnishing information, statements or documents as required by provisions of the Act, which include in title I, part 1, sections 104(b)(1)(2)(3) and (c) and 105(a) and (c).

(b) The charge assessed by the plan administrator to cover the costs of furnishing documents is reasonable if it is equal to the actual cost per page to the plan for reproduction but in no event may such charge exceed 20 cents per page. For example, if a plan printed a large number of pamphlets at $1.00 per 50-page pamphlet, the actual cost of reproduction would be 2 cents per page. In such case, the maximum that the plan administrator could charge would be 2 cents per page ($1.00, if the complete pamphlet were furnished).

(Sec. 104(b)(4), Pub. L. 93-406, 88 Stat. 849, (29 U.S.C. 1024); sec. 109, Pub. L. 93-406, 88 Stat. 850 (29 U.S.C. 1029))

7. Proposed Part 2560 introduced by a preamble follows:

Section 503 of the Employee Retirement Income Security Act of 1974 requires an employee benefit plan which denies a claim for plan benefits to give the participant or beneficiary who made the claim (the claimant) adequate written notice of denial and a reasonable opportunity for a full and fair review. The Secretary of Labor is authorized to prescribe acceptable notice and review procedures by regulation.

The proposed regulation sets out minimum requirements dealing with the denial of claims for plan benefits made by participants and beneficiaries. The proposal requires that a plan issue a decision on a claim for benefits within a reasonable period of time after receipt of the claim.

The date a claim is filed is generally to be determined under written plan rules set forth in both the plan description and in the summary plan description furnished to plan participants and to beneficiaries receiving benefits under the plan. If there are no such written rules, any communication reasonably calculated to bring the claim to the plan's attention will constitute filing. If the plan fails to act on the claim in within a reasonable period of time, the claimant may proceed to the review stage, described below, as if the claim had been denied.

Notice to participants and beneficiaries of denials of claims must contain the following elements: the specific reasons for denial; specific references to pertinent plan provisions; a description of any additional material or information necessary for the claimant to perfect the claim, an explanation of why such material or information is needed; and an explanation of the plan's review procedure. The proposed regulations provide that the plan must give claimants at least 60 days from receipt of the notice of denial in which to request review.

Plan procedures for review must include the right of a claimant to: request review, have representation, review pertinent documents relating to the denial, and submit issues and comments in writing.

Decisions on review must be issued within 60 days after receipt of a request for review, unless special circumstances, such as the need under a plan procedure to hold a hearing, would make the rendition of a decision within the 60 day limit unfeasible.

Accordingly, I propose to amend Chapter XXV of Title 29 of the Code of Federal Regulations by adding a new Part 2560 to read as follows:

SUBCHAPTER G—ADMINISTRATION AND ENFORCEMENT

Part 2560—Claims Procedure

Sec.

2560.1 Scope and purpose.
2560.2 Obligation to establish a reasonable claims procedure.
2560.3 Filing of a claim for benefits.
2560.4 Claims procedure for an insured welfare plan.
2560.5 Notification to claimant of decision.
2560.6 Content of notice.
2560.7 Review procedure.
2560.8 Decision on review.

AUTHORITY: Secs. 503 and 505, Pub. L. 93-406, 88 Stat. 893, 894 (29 U.S.C. 1133, 1135).

§ 2560.1 Scope and purpose.

This part sets out certain minimum requirements for employee benefit plan procedures pertaining to claims by participants and beneficiaries for plan benefits, consideration of such claims, and review of claim denials, hereinafter referred to in the aggregate as "claims procedures". Except as otherwise noted, these requirements apply to every employee benefit plan described in section 4(a) of the Employee Retirement Income Security Act of 1974 (the Act) and not exempted under section 4(b) of the Act.

§ 2560.2 Obligation to establish a reasonable claims procedure.

Every employee benefit plan shall establish and maintain reasonable claims

procedures. A claims procedure will be deemed to be unreasonable if it does not comply with the provisions of §§ 2560.5, 2560.6, 2560.7 and 2560.8 or, apart from such compliance, if it is not set forth in the plan description and summary plan description. A claims procedure which is established and maintained pursuant to a collective bargaining agreement and which includes provision for binding arbitration of an appeal of a claim denial will be deemed a reasonable claims procedure.

§ 2560.3 Filing of a claim for benefits.

(a) For purposes of this part, a claim is a request for a plan benefit by a participant or beneficiary of a plan (the claimant). A claim is filed when the requirements of a reasonable claim filing procedure of the plan have been met. If a reasonable procedure for filing claims has not been established by the plan, a claim is filed when a written or oral communication is made by the claimant or the claimant's authorized representative which is reasonably calculated to bring the claim to the attention of:

(1) In the case of a single employer plan, either the division which has customarily handled employee benefits matters of the employer, or any officer of the employer.

(2) In the case of a plan to which more than one unaffiliated employer contributes, or which is established or maintained by an employee organization, either a member of the joint board, association, committee or other similar group administering the plan, or the person or body to which claims for benefits under the plan customarily have been referred.

§ 2560.4 Claims procedure for an insured welfare plan.

In the case of an employee welfare benefit plan under which benefits are provided by an insurance company, insurance service, or other similar organization, which is subject to the laws of one or more States, the claims procedure pertaining to such benefits may provide for review and final decision of a claim by such a company, service or organization.

§ 2560.5 Notification to claimant of decision.

(a) If a claim is wholly or partially denied, notice of the decision, meeting the requirements of § 2560.6, shall be furnished to the claimant within a reasonable period of time after receipt of the claim by the plan.

(b) If notice of the denial of a claim is not furnished in accordance with § 2560.5(a), and the claim has not been granted within a reasonable period of time, the claim shall be deemed denied for the purposes of proceeding to the review stage described in § 2560.7.

§ 2560.6 Content of notice.

(a) A plan administrator shall provide to every claimant who is denied a claim for benefits written notice setting forth in a manner calculated to be understood by the claimant:

(1) The specific reason or reasons for the denial;

(2) Specific reference to pertinent plan provisions on which the denial is based;

(3) A description of any additional material or information necessary for the claimant to perfect the claim and an explanation of why such material or information is necessary;

(4) An explanation of the plans' claim review procedure.

§ 2560.7 Review procedure.

(a) Every plan shall provide procedures by which a claimant may have a reasonable opportunity to appeal a denial of a claim to an appropriate named fiduciary for a full and fair review. These procedures shall include provisions that a claimant or his duly authorized representative:

(1) May request a review upon written application to the plan;

(2) May review pertinent documents; and

(3) May submit issues and comments in writing.

For purposes of this part, the term "named fiduciary" as defined in section 402(a)(2) of the Act, may be the plan administrator or an insurance company, insurance service, or other similar organization, as provided in § 2560.4, provided that such plan administrator, insurance company, insurance service or other similar organization is either named in the plan instrument or is identified pursuant to a procedure set forth in the plan as the entity which reviews and makes decisions on claim denials.

(b) A plan may establish time limits within which a claimant may request review of a denied claim. Such time limits must be reasonable and related to the nature of the benefit which is the subject of the claim and to other attendant circumstances, but a time limit of less than 60 days after receipt by the claimant of written notification of denial of a claim will be deemed to be unreasonable.

§ 2560.8 Decision on review.

(a) A decision by a named fiduciary shall be made promptly, and not later than 60 days after the plan's receipt of a request for review, unless special circumstances (such as the need to hold a hearing, if the plan procedure provides for a hearing) require an extension of time for processing, in which case a decision shall be rendered as soon as possible, but not later than 120 days after receipt of a request for review.

(b) The decision on review shall be in writing and shall include specific reasons for the decision, written in a manner calculated to be understood by the claimant, and specific references to the pertinent plan provisions on which the decision is based.

PAUL J. FASSER, JR.,
Assistant Secretary for Labor-Management Relations.

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PART IV

FEDERAL ENERGY ADMINISTRATION

■

MANDATORY PETROLEUM PRICE AND ALLOCATION REGULATIONS

Allocation of Old Oil

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Allocation of Old Oil

A notice of proposed rulemaking and public hearing which contained a proposal to allocate old oil proportionately among refiners was issued on August 28, 1974 (39 FR 31650, August 30, 1974). Comments were invited from interested persons by September 23, 1974, and more than 600 comments were received by FEA. A public hearing was held on September 24 and 25, 1974, at which approximately 40 interested parties presented statements. On November 7, 1974, FEA issued a further notice of proposed rulemaking (39 FR 39740, November 11, 1974) setting forth its tentative conclusions as to the form that the final rule for the allocation of old oil should take. Over 175 comments were received by FEA with respect to the further notice of rulemaking. FEA has evaluated these comments, many of which contained pertinent recommendations as to certain features of the program, and is hereby adopting the final rule for the allocation of old oil.

REVISIONS TO THE PROPOSED PROGRAM

The most significant area in which the November 11, 1974 further notice has been revised is the basis (described below) on which entitlements are issuable with respect to imports of eligible products. In addition, certain other less substantive amendments have been made, which are described following the discussion of import entitlements.

NO. 2 HEATING OIL

In its November 1974 further notice, FEA proposed that the value of entitlements issuable with respect to imports of No. 2 heating oil be based on the then prevailing differential between domestic and imported prices for the product on a weighted average basis across the nation. Many of the comments received by FEA as to the calculation of the differential pointed out that this type of differential would be extremely difficult to calculate because, in order to arrive at an accurate figure, FEA would have to take into account variations in sulphur content as well as transportation differentials in determining an appropriate domestic price. In addition, since refiners sell at various prices to different classes of purchasers, FEA would have to devise a system for obtaining a valid representative domestic price for comparison with the landed cost of imports.

In view of these and other complexities inherent in the proposed differential, FEA has determined that use of a fixed fractional entitlement value per barrel of imported heating oil offers an equally effective and administratively more feasible method for protecting the competitive viability of the independent marketer. Based on current market price differentials between imported and domestic heating oil, FEA has concluded that for purposes of issuing entitlements to importers, a barrel of imported heating oil should be treated as equivalent to 30 percent of a barrel of crude oil included in a refiner's runs to stills. FEA estimates that this will result in an entitlement value of approximately 2 cents per gallon for imports of heating oil, an amount FEA believes will achieve the basic goals of the program.

RESIDUAL FUEL OIL

As to the proposal to issue entitlements with respect to residual fuel oil imports on the basis of the prevailing price differential between domestic and imported product, FEA received a large number of comments to the effect that, in part because of FEA's price regulations, this differential is and will probably continue to be virtually nonexistent. As a result, it was suggested, marketers and consumers of imported residual oil would be denied the benefits of the entitlements program, and those regions of the country which are particularly dependent upon such imports would continue to bear a disproportionate share of the burden created by the recent escalation in foreign oil prices.

Upon review of those comments, FEA has concluded that imports of residual fuel oil should receive entitlements on the same basis as those of No. 2 heating oil. Among the factors underlying this conclusion is the need to minimize economic distortion. Inasmuch as No. 2 heating oil is basically comparable to and has many of the same uses as residual fuel oil, FEA has determined that the issuance of entitlements on the same basis to each category of imports is warranted to prevent undesirable shifts to middle distillate imports from residual fuel imports. Accordingly, to avoid creating artificial incentives for such shifts, with their potential for straining middle distillate supplies available to home heating oil users, FEA will issue entitlements for residual fuel imports to the same extent as for No. 2 heating oil imports.

A further reason for adopting this approach is that certain regions which are especially dependent upon imported residual fuel oil would otherwise not share proportionately in the benefits of the basic equalization program, which in effect reduces the cost of imported crude oil utilized to refine domestic products. Under FEA price regulations, furthermore, the price of residual fuel oil consumed in the United States has in effect been set by the landed cost of imported residual fuel oil. This has been due to the fact that most residual fuel oil consumed in the United States is imported, and that residual fuel oil has been afforded other than special product treatment. As a result, not only has the price of residual fuel oil moved above its historical relationship to the price of other domestically refined petroleum products, but consumers of residual fuel oil have participated little, if at all, in the benefits of FEA price controls on producer sales of domestic crude petroleum. FEA considers it to be inequitable that the petroleum costs of one region or one class of consumers dependent on imported finished products would not be reduced while the petroleum costs of other regions of the country served by domestic refiners that refine imported crude oil would be lowered. Accordingly, FEA has determined that it will provide some degree of equalization with respect to imports of residual fuel oil, as it does with respect to middle distillates, in order to fulfill the objective of the Allocation Act of providing for the equitable allocation of crude oil and refined products, including residual fuel oil, at equitable prices, among all regions of the United States, among all sectors of the petroleum industry and among all users.

SMALL REFINER BIAS

Numerous comments were received as to the inadequacy of the bias in favor of small refiners as set forth in the November 1974 further notice. FEA has concluded first that the bias initially proposed was insufficient to ensure the competitive viability of small refiners; however, FEA has also determined that the general rationale of attempting to conform incremental entitlement issuances to small refiners to benefits received historically by this class under the Oil Import Program is valid.

Accordingly, the rule provides for a bias which is equivalent to the maximum economic preference (in the form of issuances of import tickets) received by small refiners under the Oil Import Program, with an adjustment for the inflation factor. In calculating the incremental entitlements issuable to small refiners, FEA utilized the PAD District V Oil Import Program ticket issuance volumes to determine the number of additional entitlements for small refiners with daily average volumes of crude oil runs to stills of less than 30,000 barrels.

ELIGIBLE FIRMS

The definition of eligible firm has been modified to make it clear that refiners constitute eligible firms for imports of No. 2 heating oil (assuming the other applicable qualifications of Section 30 of the Oil Import Regulation are met) and that an eligible firm may import only the particular eligible product into the PAD District as to which it qualifies under the applicable provisions of the Oil Import Regulation. FEA received numerous comments on its definition of eligible firm in the November 1974 further notice of proposed rulemaking. FEA recognizes that as written his definition does not include certain marketers, such as the operators of some inland or river terminals. While the inclusion of all marketers who might potentially become importers would create staggering and unmanageable administrative burdens, FEA realizes that limited modification of the definition may be appropriate. Accordingly, FEA solicits further comments as

to modifications to the definition of eligible firm necessary to achieve equity among marketers and serve the purposes of the Allocation Act. Submission of comments on this issue shall be as described below under "Written Comments Procedures."

OTHER CHANGES

The restrictions on imports of No. 2 heating oil for purposes of blending into residual fuel oil have been eliminated because this restriction is no longer needed since heating oil and residual fuel oil are now treated equally.

Residual fuel oil is as defined in § 211.51 and now includes navy special fuel oil and crude oil when burned directly as a fuel.

The reporting requirements have been conformed to the provisions of the final rule. The filing date for reports by eligible firms has been moved from the fifteenth to the twenty-eighth day following the month of import.

Section 211.67(b) was changed to clarify that entitlement purchase expenditures or sale receipts are not to be taken into account by refiner-sellers in determining their sale price of allocated crude oil under § 212.94.

Section 211.67(i) (2) now provides that each refiner's old oil receipts will be set forth on the entitlement notice. This will assist firms in determining which refiners are buyers or sellers and the number of entitlements required to be purchased or available for sale.

Section 212.131(a) (1) provides that a producer's certification requirements as to a first sale of domestic crude oil may be satisfied by a one-time certification as to the base production control level for each month of 1972 for the particular property.

WRITTEN COMMENT PROCEDURES

Interested persons are invited to submit data, views or arguments with respect to the specific matters upon which comments have been solicited as set forth above in this rule to Executive Communications, Federal Energy Administration, Box BO, Washington, D.C. 20461. Ten copies of each comment should be submitted, and should be identified on the outside envelope and on documents submitted to Executive Communications with the designation "Further Comments on Allocation of Old Oil." All comments received by December 15, 1974, and all relevant information will be considered by FEA in this connection.

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

In consideration of the foregoing, Parts 211 and 212 of Chapter II, Title 10, Code of Federal Regulations, are amended as set forth below effective immediately.

Issued in Washington, D.C., November 29, 1974.

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

1. Section 211.62 is amended by adding the following definitions in the appropriate alphabetical order to read as follows:

§ 211.62 Definitions.

* * * * *

"Adjusted crude oil receipts" means the crude oil receipts of a refiner in a particular month the composition of which has been adjusted to reflect any invoice which is received in that month for crude oil (including crude oil sold under § 211.65) delivered to that refiner in any previous month (excluding, however, months prior to November 1974), and which has the effect of increasing or decreasing the volume of old oil received by that refiner in such previous month.

"Adjusted national old oil supply ratio" means, for a particular month, the volume of old oil included in the aggregate adjusted crude oil receipts for all refiners, expressed as a percentage of the sum of (a) the total volume of the crude oil runs to stills for all refiners for that month and (b) thirty percent (30%) of the total volume of eligible imports by eligible firms for that month. Such volume of old oil shall be decreased by a number of barrels of old oil equal to the number of entitlements issuable to small refiners under § 211.67(e).

* * * * *

"Crude oil receipts" means, as to a particular refiner, the volume of crude oil (a) booked into its refineries in accordance with accounting procedures generally accepted and consistently and historically applied by the refiner concerned, for its own account or for the account of a firm other than a refiner or (b) if not previously so booked into its refineries, delivered by that refiner for its account to another refiner pursuant to a processing agreement with that other refiner. Crude oil receipts shall not include crude oil received by a refiner for the purpose of processing at its refineries for the account of another refiner. A particular crude oil receipt shall be deemed to have occurred when the related cost is booked into refinery inventory in accordance with accounting procedures generally accepted and consistently and historically applied by the refiner concerned, whether or not such crude oil has been actually received by that refiner, except that crude oil delivered by one refiner to another refiner pursuant to a processing agreement will be deemed to have been delivered by the delivering refiner to the other refiner when the risk of loss passes to the other refiner under the particular processing agreement or when the crude oil is received at the refinery of the other refiner, whichever occurs first. Crude oil which has been added by a refiner to its inventory and which is thereafter sold or otherwise disposed of without processing for the account of that refiner shall be deducted from its crude oil receipts at the time when the related cost is deducted from refinery inventory in accordance with accounting procedures generally accepted and consistently and historically applied by the refiner concerned. The volume of old oil included in a refiner's crude oil receipts shall be evidenced by and consistent with invoices received with respect to such crude oil receipts.

* * * * *

"Eligible firm" means, as to imports of eligible products, a firm (including a refiner) that has received, as to the particular eligible product imported and as to the PAD District in which the import takes place, an import allocation not subject to a license fee under section 12, 28 or 30 of Oil Import Regulation I (revision 5), as amended (32A CFR OI Reg. 1-12, 28 and 30), or a firm which would otherwise qualify for such an import allocation under section 12 or 30 of such Regulation if (a) that firm were in the business in PAD District I of selling the eligible product concerned, (b) that firm had received an allocation of imports of No. 2 heating oil or No. 2-D diesel fuel in the allocation period beginning prior to January 1, 1973, or (iii) that firm were not a refiner and/or a petrochemical producer.

"Eligible products" means residual fuel oil, No. 2 heating oil and No. 2-D diesel fuel imported into the United States, except that imports into United States customs territory from United States possessions, territories or foreign trade zones shall not be considered eligible products.

"Entitlement" means, for a particular month, the right of a refiner owning the entitlement to include one barrel of old oil in its adjusted crude oil receipts in such month. The issuance and transfer of entitlements shall be evidenced on records maintained by the FEA.

* * * * *

"New crude petroleum" means new crude petroleum as defined in § 212.72 of this chapter.

* * * * *

"No. 2 heating oil" means heating oil grade No. 2 as defined in American Society for Testing and Materials (ASTM) D396-71.

"No. 2-D diesel fuel" means diesel fuel grade No. 2 as defined in American Society for Testing and Materials (ASTM) D975-71.

"Old oil" means old crude petroleum as defined in § 212.72 of this chapter.

"Old oil supply ratio" means, for a particular month, the number of barrels of old oil included in a refiner's adjusted crude oil receipts, expressed as a percentage of the volume of that refiner's crude oil runs to stills for such month.

* * * * *

"Released crude petroleum" means released crude petroleum as defined in § 212.72 of this chapter.

2. Section 211.66 is amended by revising paragraph (h), and by adding (i), (j), and (k) to read as follows:

§ 211.66 Reporting requirements.

* * * * *

(h) *Monthly report.* On or prior to the twenty-eighth day of each month, commencing with the month of December

1974, each refiner shall file with the FEA a report certifying the following:

(1) The estimated volume (to the best of the knowledge of the certifying officer) of old oil included in the crude oil receipts of that refiner for the immediately preceding month.

(2) Any permitted or required adjustments to the estimated volume of old oil included in the crude oil receipts of that refiner for the immediately preceding month.

(3) The volume of crude oil runs to stills of that refiner for the immediately preceding month, taking into account, and specifying the amount of, the adjustments provided for in § 211.67(d).

(4) Such other information as the FEA may request.

(i) *Monthly transaction report.* On or prior to the tenth day of each month, commencing with the month of February 1975, each refiner and each eligible firm shall file with the FEA a report certifying its purchases and sales of entitlements for the third month prior to the month in which the report is filed, except that if an eligible firm was not issued any entitlements for a month, no filing of a transaction report with respect to that month shall be made.

(j) *Monthly report by eligible firms.* On or prior to the twenty-eighth day of each month, commencing with the month of December 1974, each eligible firm that has imported an eligible product in the immediately preceding month shall file with the FEA a report certifying the following:

(1) The identity, volume and ports of origin and entry of any eligible products imported by that eligible firm in the immediately preceding month.

(2) Such other information as the FEA may request.

(k) *Affidavit for eligible firms.* Each firm that claims to be an eligible firm shall submit to the FEA within twenty-eight (28) days following the first month in which that firm has imported an eligible product as to which the issuance of entitlements is sought an affidavit setting forth the factual basis for its claim to be classified as an eligible firm.

3. § 211.67 is added to Subpart C to read as follows:

§ 211.67 Allocation of old oil.

(a) *Issuance of entitlements.* (1) For each month, commencing with the month of November 1974, each refiner shall be issued entitlements by the FEA to include in its adjusted crude oil receipts for that month a specific number of barrels of old oil which will result in an old oil supply ratio for that refiner equal to the adjusted national old oil supply ratio for that month, subject to the entitlement adjustment for small refiners set forth in paragraph (e) of this section.

(2) Refiners to which entitlements shall be issued under this section shall include all refiners classified as refiner-buyers or refiner-sellers as of December 1, 1974 for purposes of § 211.65. Any refiner that is not so classified, or the refinery capacity of which is not certified by the FEA for purposes of § 211.65, shall apply to the FEA for certification of its refinery capacity for purposes of qualifying to receive entitlements under this section. With respect to the granting of any such application for certification, the FEA shall consider the factors set forth in § 211.65(b) (v) and (vi).

(3) For each month, commencing with the month of November 1974, each eligible firm that has imported an eligible product in that month shall be issued a number of entitlements equivalent to thirty percent (30%) of the number of entitlements that would be received by a refiner (without giving effect to the provisions of § 211.67(e)) in that month with respect to inclusion of a number of barrels of crude oil in that refiner's crude oil runs to stills equal to the number of barrels of that eligible product imported by that eligible firm. An eligible product is imported for purposes of this paragraph (a)(3) in the month in which the product physically enters the United States.

(b) *Required purchases of entitlements by refiners.* For each month, commencing with the month of November 1974, each refiner that has been issued fewer entitlements for that month than the number of barrels of old oil included in its adjusted crude oil receipts shall purchase a number of entitlements effective for that month equal to the difference between the number of barrels of old oil included in that refiner's adjusted crude oil receipts for that month and the number of entitlements issued to and retained by that refiner. Entitlement purchases required under this paragraph (b) with respect to a particular month shall be effected by the close of the second month following that month.

(c) *Refiners and other firms with excess entitlements.* For each month, commencing with the month of November 1974, each refiner that has been issued a greater number of entitlements for that month than the number of barrels of old oil included in its adjusted crude oil receipts shall sell such excess entitlements and any eligible firm (other than a refiner) that has been issued entitlements shall sell such entitlements.

(d) *Adjustments to volume of crude oil runs to stills.* (1) A refiner's volume of crude oil runs to stills shall (i) include (A) the volume of crude oil processed by another refiner for that refiner pursuant to a processing agreement and (B) the volume of crude oil processed by that refiner for a person other than a refiner pursuant to a processing agreement, and (ii) exclude the volume of crude oil processed by that refiner for another refiner pursuant to a processing agreement.

(2) The volume of a refiner's crude oil runs to stills for purposes of calculating its old oil supply ratio and the adjusted national old oil supply ratio shall be reduced by that refiner's volume of export sales in that month of refined petroleum products (except refined lubricating oils), including sales to a domestic purchaser which certifies the product is for export.

(e) *Entitlement adjustment for small refiners.* In addition to the number of entitlements issuable under paragraph (a) of this section, each small refiner with a daily average volume of crude oil runs to stills of less than 175,000 barrels for a particular month shall be issued additional entitlements for each day of that month equal to the number of barrels obtained by applying the following applicable percentage to the daily average volume of that small refiner's crude oil runs to stills for that month: (i) for daily average volumes of crude oil runs to stills of 100,000 to 175,000 barrels, the applicable percentage is obtained by multiplying the difference between the reported daily average volume of crude oil runs to stills (in thousands of barrels) and 175 by a factor of .0101; (ii) for daily average volumes of crude oil runs to stills of 30,000 to 100,000 barrels, the applicable percentage is obtained by multiplying the difference between the reported daily average volume of crude oil runs to stills (in thousands of barrels) and 100 by a factor of .0214, and by adding .76% to the resulting percentage; (iii) for daily average volumes of crude oil runs to stills of 10,000 to 30,000 barrels, the applicable percentage is obtained by multiplying the difference between the reported daily average volume of crude oil runs to stills (in thousands of barrels) and 30 by a factor of .506, and by adding 2.26 to the resulting percentage; and (iv) for daily average volumes of crude oil runs to stills of zero to 10,000 barrels, the applicable percentage is 12.38%.

(f) *Transactions under § 211.65.* (1) Each sale by a refiner-seller under § 211.65 shall be deemed to include a volume of old oil proportionate to the volume of old oil included in that refiner-seller's crude oil receipts (in the PAD Districts or District the crude oil deliveries in which determine the price of the sale) in the month in which the sale is made. Any volumes of old oil so included in any sale under § 211.65 shall be included in the crude oil receipts of the refiner-buyer concerned. As to each such sale, each refiner-seller shall certify to the refiner-buyer the volume of old oil included in the volume of crude oil sold within twenty-five (25) days following the month in which the crude oil is delivered to or for the account of the refiner-buyer in accordance with the provisions of § 212.131 of part 212.

(2) In determining the weighted average price of all crude oil delivered to a refiner-seller in a month in the specified PAD District or Districts pursuant to § 212.94 of part 212, the cost of any required purchases or revenues from any sales of entitlements by that refiner-seller shall not be taken into account.

(g) *Exchanges of crude oil.* In any exchange of crude oil in which only quality and location differentials are given effect in the calculation of the exchange ratio, or in any matching purchase and sale transaction which has the same effect as such an exchange, no volumes of old oil shall be deemed to have been transferred. Any volumes of old oil delivered pursuant

to any such exchange or transaction shall be considered as having been retained by the refiner that has exchanged away or sold such volume, regardless of the volume of crude oil received or purchased by that refiner in such an exchange or transaction.

(h) *Averaging of crude oil receipts.* Upon application by a refiner in accordance with the procedures established under Subpart G of Part 205 of this chapter within twenty (20) days following the close of a month, the FEA may adjust the crude oil receipts of that refiner for that month to permit the portion of such crude oil receipts specified by the FEA to be included in the crude oil receipts of that refiner for one or more subsequent months, if the volume of crude oil receipts in that month is significantly disproportionate to the volume of that refiner's crude oil runs to stills for that month due to shutdowns or other mechanical failures resulting in a fifty percent (50) or greater portion of that refiner's refinery capacity not having been operable for the duration of that month.

(i) *Issuance and transfer of entitlements.* (1) The first month with respect to which entitlements shall be issued is November 1974. The entitlements for the month of November 1974 shall be issued by the FEA on January 10, 1975, pursuant to the notice specified in subparagraph (2) below. As to each month subsequent to November 1974, FEA shall issue entitlements pursuant to a notice published 40 days after the close of that month.

(2) Each notice published by the FEA evidencing the issuance of entitlements under this section shall specify as to a particular month the adjusted national old oil supply ratio, the name of each refiner and other eligible firm to which entitlements have been issued, the number of entitlements issued to each such refiner or other firm, the number of barrels of old oil included in each refiner's adjusted crude oil receipts and the price at which or price range within which entitlements shall be sold.

(3) No transfer of an entitlement shall be effective if made to (i) any person other than a refiner, or (ii) any refiner that is not purchasing such entitlement to fulfill such refiner's obligations under paragraph (b) of this section.

(4) The price at which entitlements shall be sold and purchased shall be fixed by the FEA for each month. Such price may be fixed in terms of a price range in which entitlement transactions shall be effected or in terms of a single price at which all entitlement transactions shall take place. Such price or price range shall be fixed by the FEA with reference to the differential between the weighted average prices for old oil and the weighted average prices of new and released crude petroleum, imported crude oil and crude oil produced from stripper wells.

(j) *Failure to consummate transactions.* The FEA may direct refiners that have not purchased the required number of entitlements under paragraph (b) of this section for a particular month to purchase such required number of entitlements at a price specified by the FEA from any refiner or eligible firm that has entitlements for such month available for sale. The FEA may direct refiners or eligible firms that have entitlements available for sale to sell such entitlements at a price specified by the FEA to refiners that have not purchased their required number of entitlements under paragraph (b) of this section.

(k) *Certification of old oil by nonrefiners.* Within twenty (20) days following each month, commencing with the month of November 1974, each person other than a refiner that has delivered crude oil to a refiner for processing for the account of such person pursuant to a processing agreement in that month shall certify to that refiner the volume of old oil contained in the crude oil so delivered to that refiner.

(l) *Adjustments to product costs.*— (1) *Refiners.* The cost of entitlements purchased in a particular month pursuant to this section by refiners shall be added to the cost of crude petroleum purchased or landed in that month (which is the period "t" (the month of measurement), for purposes of calculating the increased costs to be applied to product prices in the following month under the "A_t" factor of the general formulae of § 212.83(c)(2) of this chapter). The sales revenues from entitlements sold in a particular month pursuant to this section by refiners shall be subtracted from the cost of crude petroleum or eligible product purchased or landed in that month (which is the period "t" (the month of measurement), for purposes of calculating the increased costs to be applied to product prices in the following month under § 211.83(c) of this chapter.) as follows:

(i) The sales revenues from entitlements which are issued for crude oil which are sold in a particular month shall be subtracted from the total cost of crude petroleum purchased or landed in that month (which is the period "t" (the month of measurement), for purposes of calculating the increased costs to be applied to all product prices in the following month under the "A_t" factor of the general formulae of § 212.83(c)(2)).

(ii) The sales revenues from entitlements which are issued for residual fuel oil which are sold in a particular month shall be subtracted from the total cost of residual fuel oil purchased or landed in that month (which is the period "t" (the month of measurement), for purposes of calculating the increased costs to be applied to prices of covered products other than special products under the "B_t" factor of the formula for covered products other than special products of § 212.83(c)(2)(ii)).

(iii) The sales revenues from entitlements which are issued for No. 2 heating oil or No. 2–D diesel fuel which are sold in a particular month shall be subtracted from the total cost of No. 2 heating oil or No. 2–D diesel fuel purchased or landed in that month (which is the period "t" (the month of measurement), for purposes of calculating the increased costs to be applied to prices for special products where (i=1) under the "B_t" factor of the general formula of § 212.83(c)(2)(i) for special products where (i=1)).

(2) *Resellers and Retailers.* The sales revenues from entitlements sold pursuant to this section by resellers or retailers shall be subtracted from the cost of the product in inventory for which the entitlements were issued, so as to reduce the weighted average unit cost of that product in inventory computed pursuant to § 212.92 of this chapter.

(3) *Use of eligible products entitlements by refiners to which they are issued.* A refiner that is issued entitlements with respect to eligible products shall account for the use of those entitlements to include old oil in its crude oil receipts as if it had purchased such entitlements so as to incur an increased cost of crude oil pursuant to subparagraph (1) above and as if it had sold such entitlements so as to reduce its cost of the eligible product for which the entitlements were issued, pursuant to subparagraphs (1)(ii) and (1)(iii) of this paragraph.

(4) *Timing.* The date of purchase or sale of entitlements for purposes of determining the date on which a cost or a cost reduction is incurred under § 212.83(c) or § 212.93 of this chapter shall be the date on which the transaction is reported to have taken place on the monthly transaction report filed with the FEA under paragraph (i) of § 211.66.

4. The table of contents is amended by revising the heading for § 212.131 to read as follows:

212.131 Certification of domestic crude petroleum sales.

5. The heading and text of § 212.131 is revised to read as follows:

§ 212.131 Certification of domestic crude petroleum sales.

(a)(1) Each producer of domestic crude petroleum shall, with respect to a first sale of domestic crude petroleum, certify in writing to the purchaser: (i) The ceiling price of that domestic crude petroleum, (ii) the amount of stripper well crude petroleum, (iii) the amount of new crude petroleum, (iv) the amount of released crude petroleum, and (v) the amount of old crude petroleum, *Provided,* That the certification requirements of this paragraph (a)(1) may be complied with by a one-time certification by a producer to the purchaser as to the base production control level crude petroleum for each month of 1972 for the particular property. The certification shall also contain a statement that the price charged for the domestic crude petroleum is no greater than the maximum price permitted pursuant to this part.

(2) Each seller of domestic crude petroleum, other than a producer of domestic crude petroleum covered by paragraph (a)(1) of this section shall, with

respect to each sale of domestic crude petroleum other than (i) an allocation sale pursuant to § 211.65 of this chapter, or (ii) a sale in which no volumes of old crude petroleum are deemed to have been transferred pursuant to § 211.67(g) of this chapter, certify in writing to the purchaser the amount of old crude petroleum included in the volume of domestic crude petroleum so sold. The certification shall also contain a statement that the price charged for the domestic crude petroleum is no greater than the maximum price permitted pursuant to this part

(b) With respect to each allocation sale under § 211.65 of this chapter, the seller shall certify in writing to the purchaser the amount of old crude petroleum deemed (under the provisions of § 211.67(f) of this chapter) to be included in the volume of crude petroleum so sold. Such written certification shall be made within 25 days following the month in which the crude oil so sold is delivered to or for the account of the purchaser.

(c) No firm may sell domestic crude petroleum unless it provides the certification required by this section. No firm may knowingly purchase domestic crude petroleum for which there is no certification as required by this section; provided, however, that the provisions of this paragraph do not apply to the sale of domestic crude petroleum to a firm under circumstances of economic or other coercion in which the buyer, because of its need for crude petroleum, had no reasonable alternative but to purchase the domestic crude petroleum for which there is no certification, and such firm promptly reports the purchase to the Federal Energy Administration for investigation.

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PART V

DIRECTORY OF FEDERAL REGIONAL STRUCTURE

■

Federal Agency Regional Maps and Tables

DIRECTORY OF FEDERAL REGIONAL STRUCTURE

This directory of Federal agency regional structure is designed to give practical information about regional offices of Federal departments and agencies.

The Standard Federal Regional Boundaries System was established in 1969 to streamline Federal field office operations and encourage Federal-State-local interchange. Boundaries were drawn and regional office locations designated for 10 regions, and agencies urged to adopt the uniform system. A map of the Standard Federal Regions, and tables of the agencies conforming to this system can be found on pages 42254 to 42275.

The regional maps of agencies not conforming to the uniform regional system begin on page 42276. Each map is accompanied by a table showing addresses, telephone numbers, and key officials for all regions.

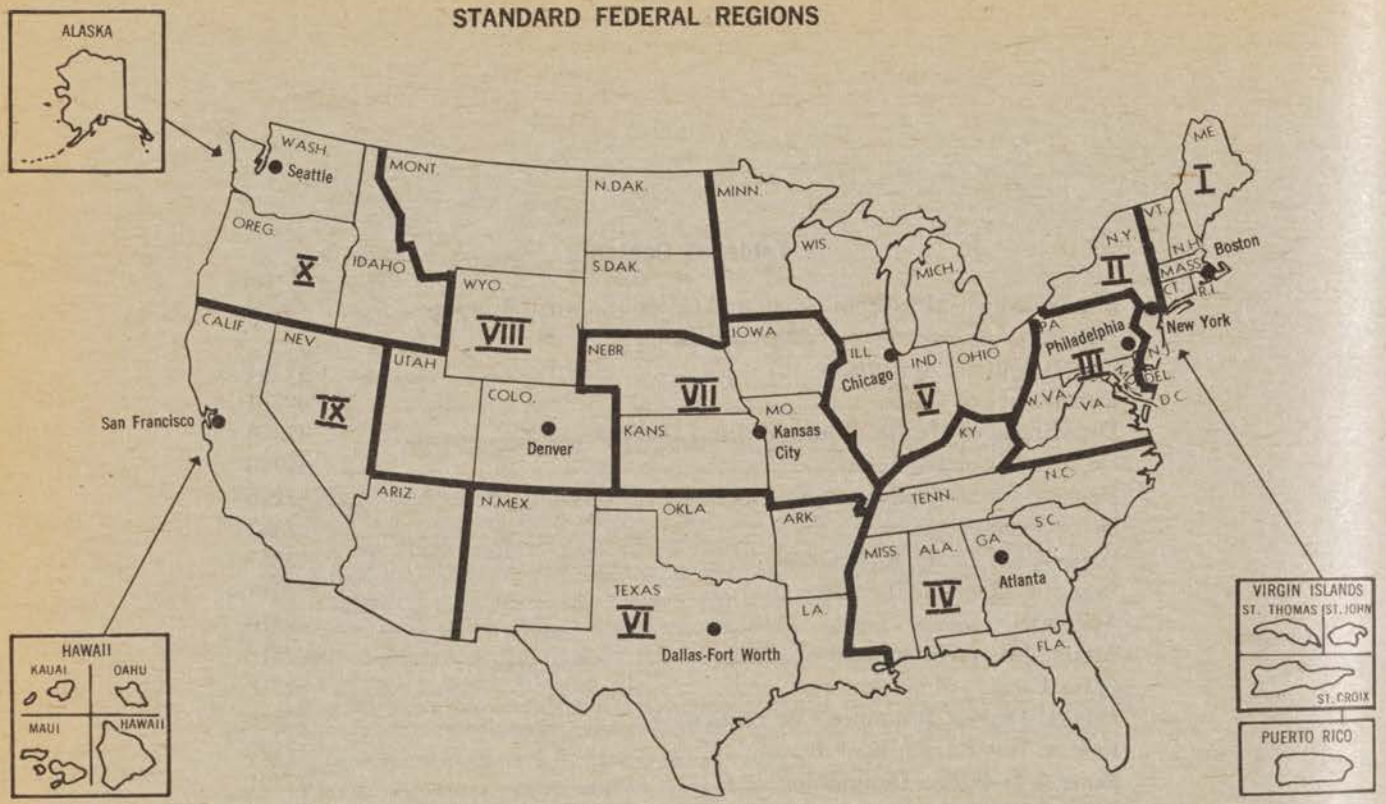
The information contained in this directory was compiled with agency assistance, as of September 15, 1974.

FRED J. EMERY,
Director, Office of
the Federal Register.

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STANDARD FEDERAL REGIONS



STANDARD FEDERAL REGIONS

Department of Agriculture

Office of Intergovernmental Affairs

Region	Representative	Address	Telephone
I	Alan C. Freeman	141 Milk St., Boston, Mass. 02109	617–223–5261
II	Francis B. Hyatt	26 Federal Plaza, New York, N.Y. 10007	212–264–8024
III	Jack R. Grey	3535 Market St., Philadelphia, Pa. 19104	215–597–1114
IV	Douglass A. Craig	1365 Peachtree St. NE., Atlanta, Ga. 30309	404–526–2382
V	Gary K. Madson	1 North Wacker Dr., Chicago, Ill. 60606	312–353–1879
VI	Jose M. Villarreal	Brian and Ervay Sts., Dallas, Tex. 75221	214–749–7281
VII	William E. Galbraith	P.O. Box 205, Kansas City, Mo. 64141	816–926–6535
VIII	John P. Orcutt	6740 East Hampden Ave., Denver, Colo. 80222	303–837–4248
IX	Vern F. Highley	120 Montgomery St., San Francisco, Calif. 94104	415–556–5695
X	Virgil M. Eskew	909 1st Ave., Seattle, Wash. 98104	206–442–5742
Regional Representative at Large	Stanley I. Trenhaile	Federal Center, Denver, Colo. 80225	303–234–2469

Department of Health, Education, and Welfare

Regional Offices

Region	Director	Address	Telephone
I	Robert E. Fulton	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617–223–6831
II	Bernice L. Bernstein	26 Federal Plaza, New York, N.Y. 10007	212–264–4600
III	Gorham Black, Jr	3535 Market St., Philadelphia, Pa. 19101	215–597–6492
IV	Frank J. Groschelle III	50 7th St. NE., Atlanta, Ga. 30323	404–526–5817
V	Richard Friedman	300 South Wacker Dr., Chicago, Ill. 60606	312–353–5160
VI	Stuart H. Clarke	1114 Commerce St., Dallas, Tex. 75202	214–749–3396
VII	Max Milo Mills	601 East 12th St., Kansas City, Mo. 64106	816–374–3436
VIII	Rulon Garfield	1961 Stout St., Denver, Colo. 80202	303–837–3373
IX	(Vacancy)	50 Fulton St., San Francisco, Calif. 94102	415–556–6746
X	Bernard E. Kelly	1321 2d Ave., Seattle, Wash. 98101	206–442–0420

Department of Health, Education, and Welfare
Social Security Administration
Regional Commissioners

Region	Commissioner	Address	Telephone
I	Walter W. Mode	John F. Kennedy Bldg., Boston, Mass. 02203	617–223–6810
II	Joseph J. Kelly	26 Federal Plaza, New York, N.Y. 10007	212–264–2500
III	Maurice Dewberry	P.O. Box 8788, Philadelphia, Pa. 19101	215–597–6941
IV	James W. Murray	50 7th St. NE., Atlanta, Ga. 30323	404–526–5961
V	Paul E. Webb	300 South Wacker Dr., Chicago, Ill. 60606	312–353–4247
VI	Wayman E. Register	1114 Commerce St., Dallas, Tex. 75202	214–749–3837
VII	Patricia Livers	601 East 12th St., Kansas City, Mo. 64106	816–374–5691
VIII	Sterling K. Peterson, Acting	1961 Stout St., Denver, Colo. 80202	303–837–2388
IX	John McConnachie	50 Fulton St., San Francisco, Calif. 94102	415–556–4910
X	Donald C. Sutcliffe	1321 2d Ave., Seattle, Wash. 98101	206–442–0417

Department of Housing and Urban Development

Region	Administrator	Address	Telephone
I	James J. Barry	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617–223–4066
II	S. William Green	26 Federal Plaza, New York, N.Y. 10007	212–264–8068
III	Theodore R. Robb	6th and Walnut Sts., Philadelphia, Pa. 19106	215–597–2560
IV	E. Lamar Seals	1371 Peachtree St. NE., Atlanta, Ga. 30309	404–526–5585
V	George J. Vavoulis	300 South Wacker Dr., Chicago, Ill. 60606	312–353–5680
VI	Richard L. Morgan	1100 Commerce St., Dallas, Tex. 75202	214–749–7401
VII	Elmer E. Smith	911 Walnut St., Kansas City, Mo. 64106	816–374–2661
VIII	Robert C. Rosenheim	1961 Stout St., Denver, Colo. 80202	303–837–4881
IX	Robert H. Baida	450 Golden Gate Ave., San Francisco, Calif. 94102	415–556–4752
X	James L. Young	1321 2d Ave., Seattle, Wash. 98101	206–442–5415

Department of Justice
Community Relations Service

Region	Director	Address	Telephone
I	Lawrence Turner	150 Causeway St., Boston, Mass. 02114	617–223–5170
II	Edward O'Connell	26 Federal Plaza, New York, N.Y. 10007	212–264–0700
III	Edmund Haywood	2d and Chestnut Sts., Philadelphia, Pa. 19107	215–597–2344
IV	Ozell Sutton	75 Piedmont Ave. NE., Atlanta, Ga. 30303	404–526–6883
V	Richard Salem	55 East Monroe St., Chicago, Ill. 60603	312–353–4391
VI	Maurilio Ortiz	1100 Commerce St., Dallas, Tex. 75202	214–749–1525
VII	John Perez	911 Walnut St., Kansas City, Mo. 64106	816–374–2022
VIII	Leo Cardenas	1531 Stout St., Denver, Colo. 80202	303–837–2973
IX	Julian Klugman	100 Mission St., San Francisco, Calif. 94105	415–556–2485
X	Robert Lamb	Federal Office Bldg., 915 2d Ave., Seattle, Wash. 98104	206–442–4465

Department of Justice

Law Enforcement Assistance Administration

Region	Administrator	Address	Telephone
I	William F. Powers	147 Milk St., Boston, Mass. 02109	617–223–4671
II	Jules Tesler	26 Federal Plaza, New York, N.Y. 10007	212–264–4132
III	Cornelius Cooper	325 Chestnut St., Philadelphia, Pa. 19106	215–597–9440 9442
IV	Charles Rinkevich	730 Peachtree St. NE., Atlanta, Ga. 30308	404–526–5868
V	James Bain	3166 Des Plaines Ave., Des Plaines, Ill. 60018	312–353–1203
VI	Robert Grimes	500 South Ervay St., Dallas, Tex. 75201	214–749–7211
VII	Marvin Ruud	436 State Ave., Kansas City, Kans. 66101	816–374–4501
VIII	Edwin R. LaPedis	Federal Bldg., Denver, Colo. 80202	303–837–4784
IX	Thomas Clark	1860 El Camino Real, Burlingame, Calif. 94010	415–876–9104
X	Bernard Winekoski	130 Andover Bldg., Seattle, Wash. 98188	206–442–1170

Department of Labor

Employment Standards Administration

Region	Assistant Regional Director	Address	Telephone
I	Walker P. Parker	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617–223–4305
II	Frank B. Mercurio	1515 Broadway, New York, N.Y. 10036	212–971–5451
III	Charles M. Angell	3535 Market St., Philadelphia, Pa. 19104	215–597–1185
IV	James E. Patching, Jr	1371 Peachtree St. NE., Atlanta, Ga. 30309	404–526–5801
V	Gerald J. Mitchell	230 S. Dearborn St., Chicago, Ill. 60604	312–353–7280
VI	Phillip F. Arrien	1100 Commerce St., Dallas, Tex. 75202	214–749–2037
VII	Doyle I. Loveridge	911 Walnut St., Kansas City, Mo. 64106	816–374–5381
VIII	Higinio Costales, Jr	1961 Stout St., Denver, Colo. 80202	303–837–4613
IX	Virginia Allee	450 Golden Gate Ave., San Francisco, Calif. 94102	415–556–1318
X	Vernon P. Nilsen	506 2d Ave., Seattle, Wash. 98104	206–442–1536

Department of Labor

Employment Standards Administration

Office of Federal Contract Compliance

Region	Associate Assistant Regional Director	Address	Telephone
I	E. William Richardson	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617–223–5565
II	George M. Hopkins	1515 Broadway, New York, N.Y. 10036	212–971–5563
III	Bennett O. Stalvey, Jr	3535 Market St., Philadelphia, Pa. 19104	215–597–1213
IV	Jodie G. Eggers	1371 Peachtree St. NE., Atlanta, Ga. 30309	404–526–4211
V	James T. Wardlaw	230 South Dearborn St., Chicago, Ill. 60604	312–353–7622
VI	Roberto Ornelas	1100 Commerce St., Dallas, Tex. 75202	214–749–1134
VII	Bennie L. Daugherty, Jr	911 Walnut St., Kansas City, Mo. 64106	816–374–5384
VIII	Jay F. Sauls	1961 Stout St., Denver, Colo. 80202	303–837–4978
IX	Dola F. Miller, Jr	450 Golden Gate Ave., San Francisco, Calif. 94102	415–556–3597
X	James F. Warren	506 2d Ave., Seattle, Wash. 98104	206–442–4508

Department of Labor
Employment Standards Administration
Women's Bureau

Region	Associate Assistant Regional Director	Address	Telephone
I	Vivian Buckles	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617–223–4036
II	Mary E. Tobin	1515 Broadway, New York, N.Y. 10036	212–971–5452
III	Margaretta Seay Bell	3535 Market St., Philadelphia, Pa. 19104	215–597–1183
IV	Joan F. Green	1371 Peachtree St. NE., Atlanta, Ga. 30309	404–526–5461
V	Mary C. Manning	230 South Dearborn St., Chicago, Ill. 60604	312–353–6985
VI	Rhobia C. Taylor	1100 Commerce St., Dallas, Tex. 75202	214–749–2568
VII	Barbara E. Wald	911 Walnut St., Kansas City, Mo. 64106	816–374–5383
VIII	Lionila L. Saenz	1961 Stout St., Denver, Colo. 80202	303–837–4138
IX	Madeline H. Mixer	450 Golden Gate Ave., San Francisco, Calif. 94102	415–556–2377
X	Lazelle S. Johnson	506 2d Ave., Seattle, Wash. 98104	206–442–1534

Department of Labor
Employment Standards Administration
Wage and Hour Division

Region	Associate Assistant Regional Director	Address	Telephone
I	George J. Regan	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617–223–5565
II	Leo Friedman	1515 Broadway, New York, N.Y. 10036	212–971–5453
	Luz Vilarino, Director	1200 Ponce DeLeon Ave., Santurce, P.R. 00907	809–723–8165
III	Joseph P. Cassidy	3535 Market St., Philadelphia, Pa. 19104	215–597–1193
	John A. Craven, Jr	3535 Market St., Philadelphia, Pa. 19104	215–597–1191
IV	Hugh B. Campbell	1371 Peachtree St. NE., Atlanta, Ga. 30309	404–526–5801
	Sterling B. Williams	1931 9th Ave. South, Birmingham, Ala. 35205	205–325–3301
V	Donald H. Haack	230 S. Dearborn St., Chicago, Ill. 60604	312–353–7250
VI	Robert B. Snyder	1100 Commerce St., Dallas, Tex. 75202	214–749–2303
VII	Sydney R. Sample	911 Walnut St., Kansas City, Mo. 64106	816–374–5386
VIII	C. Lamar Johnson	15412 Federal Office Bldg., Denver, Colo. 80202	303–837–4613
IX	John M. Silver	450 Golden Gate Ave., San Francisco, Calif. 94102	415–556–3592
X	Loren E. Gilbert	506 2d Avenue, Seattle, Wash., 98104	206–442–1536

Department of Labor
Manpower Administration

Region	Assistant Regional Director	Address	Telephone
I	Lawrence W. Rogers	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617–223–6439
II	Edward W. Aponte	1515 Broadway, New York, N.Y. 10036	212–971–5445
III	J. Terrell Whitsitt	P.O. Box 8796, Philadelphia, Pa. 19101	215–597–6336
IV	William U. Norwood, Jr	1371 Peachtree St. NE., Atlanta, Ga. 30309	404–526–5411
V	Richard C. Gilliland	300 South Wacker Dr., Chicago, Ill. 60606	312–353–4132
VI	William S. Harris	1100 Commerce St., Dallas, Tex. 75202	214–749–2721
VII	Neal B. Hadsell	911 Walnut St., Kansas City, Mo. 64106	816–374–3796
VIII	Robert J. Brown	1961 Stout St., Denver, Colo. 80202	303–837–4477
IX	William J. Haltigan	450 Golden Gate Ave., San Francisco, Calif. 94102	415–556–7414
X	Jess C. Ramaker	1321 2d Ave., Seattle, Wash. 98101	206–442–7700

Department of Labor

Occupational Safety and Health Administration

Region	Assistant Regional Director	Address	Telephone
Boston, Mass. 02110	Vernon Strahm	18 Oliver St	617–223–6712 6713
New York, N.Y. 10036	Alfred Barden	1515 Broadway	212–971–5941 5942
Philadelphia, Pa. 19104	David H. Rhone	3535 Market St	215–597–1201
Atlanta, Ga. 30309	Donald E. Mackenzie	1375 Peachtree St. NE	404–526–3573 3574 404–526–2281 2282
Chicago, Ill. 60606	Edward E. Estkowski	300 South Wacker Dr	312–353–4716 4717
Dallas, Tex. 75201	Robert Tice, Acting	1512 Commerce St	214–749–2477 78/79 214–749–2567
Kansas City, Mo. 64106	Joseph A. Reidinger	911 Walnut St	816–374–5861
Denver, Colo. 80202	Curtis Foster	1961 Stout St	303–837–3883
San Francisco, Calif. 94102	Gabriel Gillotti	450 Golden Gate Ave	415–556–0586 415–556–4427
Seattle, Wash. 98104	James W. Lake	506 2d Ave	206–442–5930

Department of Labor

Regional Directors

Region	Director	Address	Telephone
I	Gerald P. Reidy	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617–223–5430
II	Stephen D. Blum	1515 Broadway, New York, N.Y. 10036	212–971–7051
III	J. B. Archer	3535 Market St., Philadelphia, Pa. 19104	215–597–1116
IV	Robert Burns	1371 Peachtree St. NE., Atlanta, Ga. 30309	404–526–5366
V	Alexander P. White	230 S. Dearborn St., Chicago, Ill. 60604	312–353–4122
VI	Paul W. Story	1100 Commerce St., Dallas, Tex. 75202	214–749–3842
VII	Richard C. McAvinew	911 Walnut St., Kansas City, Mo. 64106	816–374–5941
VIII	Samuel Martinez	1961 Stout St., Denver, Colo. 80202	303–837–3791
IX	George W. Smith	450 Golden Gate Ave., San Francisco, Calif. 94102	415–556–8754
X	James T. Hughes	1321 2d Ave., Seattle, Wash. 98101	206–442–1545

Department of Transportation

National Highway Traffic Safety Administration

Region	Administrator	Address	Telephone
I	James P. Williamson	55 Broadway, Cambridge, Mass. 02142	617–494–2680
II	Dean Van Gorden	200 Mamaroneck Ave., White Plains, N.Y. 10601	914–761–4250, Ext. 312
III	Vincent D. Walsh	31 Hopkins Plaza, Baltimore, Md. 21201	301–962–3877
IV	L. E. Thompson	1720 Peachtree Rd. NW., Atlanta, Ga. 30309	404–526–5537
V	Gordon Lindquist	1010 Dixie Hwy., Chicago Heights, Ill. 60411	312–756–1950
VI	F. Robert Anderson	819 Taylor St., Fort Worth, Tex. 76102	817–334–2021
VII	E. L. McBride	P.O. Box 7085, Kansas City, Mo. 64113	816–926–7887
VIII	R. C. O'Connell	330 South Garrison St., Lakewood, Colo. 80226	303–234–3253
IX	Bradford Crittenden	450 Golden Gate Ave., Box 36112, San Francisco, Calif. 94102	415–556–6415
X	William L. Hall	Federal Office Bldg., Seattle, Wash. 98104	206–442–5934

Department of Transportation

Regional Representatives of the Secretary

Region	Representative	Address	Telephone
I	David W. Hays	55 Broadway, Cambridge, Mass. 02142	617–494–2709
II	Bayard S. Forster	26 Federal Plaza, New York, N.Y. 10007	212–264–2672
III	Leonard W. Johnson	3535 Market St., Philadelphia, Pa. 19104	215–597–1081
IV	Theodore McDowell	1720 Peachtree Rd. NW., Atlanta, Ga. 30309	404–526–3738
V	Norman Erbe	300 South Wacker Dr., Chicago, Ill., 60606	312–353–4000
VI	Ed Foreman	1100 Commerce St., Dallas, Tex. 75202	214–749–1851
VII	Russell R. Waesche	601 East 12th St., Kansas City, Mo. 64106	816–374–5801
VIII	Robert L. Kessler	1050 17th St., Denver, Colo. 80202	303–837–3242
IX	Lawrence H. Dunn	450 Golden Gate Ave., Box 36133, San Francisco, Calif. 94102	415–566–5961
X	Donald W. Samuelson	1321 2d Ave., Seattle, Wash. 98101	206–442–0590

Department of Transportation

Urban Mass Transportation Administration

Region	Representative	Address	Telephone
I	Louis F. Mraz, Jr	c/o Transportation System Center, 55 Broadway, Cambridge, Mass. 02142	617–494–2055
II	Kenneth E. Vought	26 Federal Plaza, New York, N.Y. 10007	212–264–3162
III	Franz K. Gimmler	3535 Market St., Philadelphia, Pa. 19104	215–597–1084
IV	Douglas C. Campion	1720 Peachtree Rd. NW., Atlanta, Ga. 30309	404–526–3948
V	Thomas N. Harvey	300 South Wacker Dr., Chicago, Ill. 60606	312–353–6005
VI	Glen E. Ford	1100 Commerce St., Dallas, Tex. 75202	214–749–7322
VII	Lee O. Waddleton	601 East 12th St., Kansas City, Mo. 64106	816–374–5845
VIII	(Vacancy)	1050 17th St., Denver, Colo. 80202	303–837–3242
IX	Stuart Eurman	450 Golden Gate Ave., Box 36125, San Francisco, Calif. 94102	415–556–2884
X	Franklin W. Fort	909 1st Ave., Seattle, Wash. 98104	206–442–4210

ACTION

Region	Director	Address	Telephone
I	Vinette Jones	John W. McCormack Federal Bldg., Boston, Mass. 02109	617–223–4297
II	George Fox	26 Federal Plaza, New York, N.Y. 10007	212–264–2900
III	John F. Torian	320 Walnut St., Philadelphia, Pa. 19106	215–597–0732
IV	Paul R. Jones	730 Peachtree Street NE., Atlanta, Ga. 30308	404–526–3337
V	Myron B. Kuropas	1 North Wacker Dr., Chicago, Ill. 60606	312–353–5107
VI	Joseph P. Garcia	212 North St. Paul St., Dallas, Tex. 75201	214–749–1361
VII	John Campbell	4th and State Sts., Kansas City, Kans. 66101	816–374–4486
VIII	Ted Bryant	1050 17th St., Denver, Colo. 80202	303–837–2671
IX	Charles W. Goady	100 McAllister St., San Francisco, Calif. 94102	415–556–1736
X	Kenneth W. Hultgren	1602 2d Ave., Seattle, Wash. 98101	206–442–1558

Civil Service Commission

Region	Director	Address	Telephone
I	Charles A. Maher	John W. McCormack Post Office and Courthouse, Boston, Mass. 02109	617–223–2538
II	George J. McQuoid	26 Federal Plaza, New York, N.Y. 10007	212–264–0440
III	Milton I. Sharon	600 Arch St., Philadelphia, Pa. 19106	215–597–4543
IV	David Caldwell	1340 Spring St. NW., Atlanta, Ga. 30309	404–526–2436
V	Joseph A. Connor	433 West Van Buren St., Chicago, Ill. 60607	312–353–2901
VI	William H. Rima, Jr	1100 Commerce St., Dallas, Tex. 75202	214–749–3352
VII	Francis V. Yanak	1520 Market St., St. Louis, Mo. 63103	314–622–4262
VIII	George F. Dwyer	Denver Federal Center, Denver, Colo. 80225	303–233–2023
IX	Asa T. Briley	450 Golden Gate Ave., San Francisco, Calif. 94102	415–556–0581
X	Thomas G. McCarthy	909 1st Ave., Seattle, Wash. 98104	206–442–7537

Environmental Protection Agency

Region	Administrator	Address	Telephone
I	John A. S. McGlennon	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617–223–7210
II	Gerald M. Hansler	26 Federal Plaza, New York, N.Y. 10007	212–264–2525
III	Daniel J. Snyder III	6th and Walnut Sts., Philadelphia, Pa. 19106	215–597–9801
IV	Jack E. Ravan	1421 Peachtree St. NE., Atlanta, Ga. 30309	404–526–5727
V	Francis T. Mayo	1 North Wacker Dr., Chicago, Ill. 60606	312–353–5250
VI	Arthur W. Busch	1600 Patterson St., Dallas, Tex. 75201	214–749–1962
VII	Jerome H. Svore	1735 Baltimore Ave., Kansas City, Mo. 64108	816–374–5493
VIII	John A. Green	1860 Lincoln St., Denver, Colo. 80203	303–837–3895
IX	Paul DeFalco, Jr	100 California St., San Francisco, Calif. 94111	415–556–2320
X	Clifford V. Smith	1200 6th Ave., Seattle, Wash. 98101	206–442–1220

Equal Employment Opportunity Commission

Region	Director	Address	Telephone
I [1] and II	Edward Mercado	26 Federal Plaza, New York, N.Y. 10007	212–264–3640
III	A. Keith McDonald	600 Arch St., Philadelphia, Pa. 19106	215–597–7784
IV	Donald L. Hollowell	75 Piedmont Ave. NE., Atlanta, Ga. 30303	404–526–6991
V	Elmer W. McLain	600 Michigan Ave., Chicago, Ill. 60605	312–353–1223
VI	Lorenzo Ramirez	1100 Commerce St., Dallas, Tex. 75202	214–749–1841
VII	Charles E. Clark	601 East 12th St., Kansas City, Mo. 64106	816–374–2781
VIII,[1] IX, and X [1]	Frank A. Quinn	300 Montgomery St., San Francisco, Calif. 94104	415–556–1775

[1] Regional office not open.

General Services Administration

Region	Administrator	Address	Telephone
I	Albert A. Gammal, Jr	John W. McCormack Post Office and Courthouse, Boston, Mass. 02109	617–223–2601
II	Gerald J. Turetsky	26 Federal Plaza, New York, N.Y. 10007	212–264–2600
III	William R. Campbell, Jr	7th and D Sts. SW., Washington, D.C. 20407	202–963–6145
IV	Lewis D. Strom	1776 Peachtree St. NW., Atlanta, Ga. 30309	404–526–5600
V	Frank Resnik	219 South Dearborn St., Chicago, Ill. 60604	312–353–5395
VI	Jay H. Bolton, Acting	1500 East Bannister Rd., Kansas City, Mo. 64131	816–926–7201
VII	Jay H. Bolton	819 Taylor St., Fort Worth, Tex. 76102	817–334–2321
VIII	Michael J. Norton	Denver Federal Center, Denver, Colo. 80225	303–234–4171
IX	Thomas E. Hannon	525 Market St., San Francisco, Calif. 94105	415–556–3221
X	David L. Head	GSA Center, Auburn, Wash. 98002	206–833–5201

Office of Economic Opportunity

Region	Address	Telephone
I	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617–223–4080
II	26 Federal Plaza, New York, N.Y. 10007	212–264–1900
III	3535 Market St., Philadelphia, Pa. 19104	215–597–6001
IV	730 Peachtree St. NE., Atlanta, Ga. 30308	404–526–3172
V	300 South Wacker Dr., Chicago, Ill. 60606	312–353–5562
VI	1100 Commerce St., Dallas, Tex. 75202	214–749–1301
VII	911 Walnut St., Kansas City, Mo. 64106	816–374–3761
VIII	1961 Stout St., Denver, Colo. 80202	303–837–4767
IX	100 McAllister St., San Francisco, Calif. 94102	415–556–5400
X	1321 2d Ave., Seattle, Wash. 98101	206–442–4910

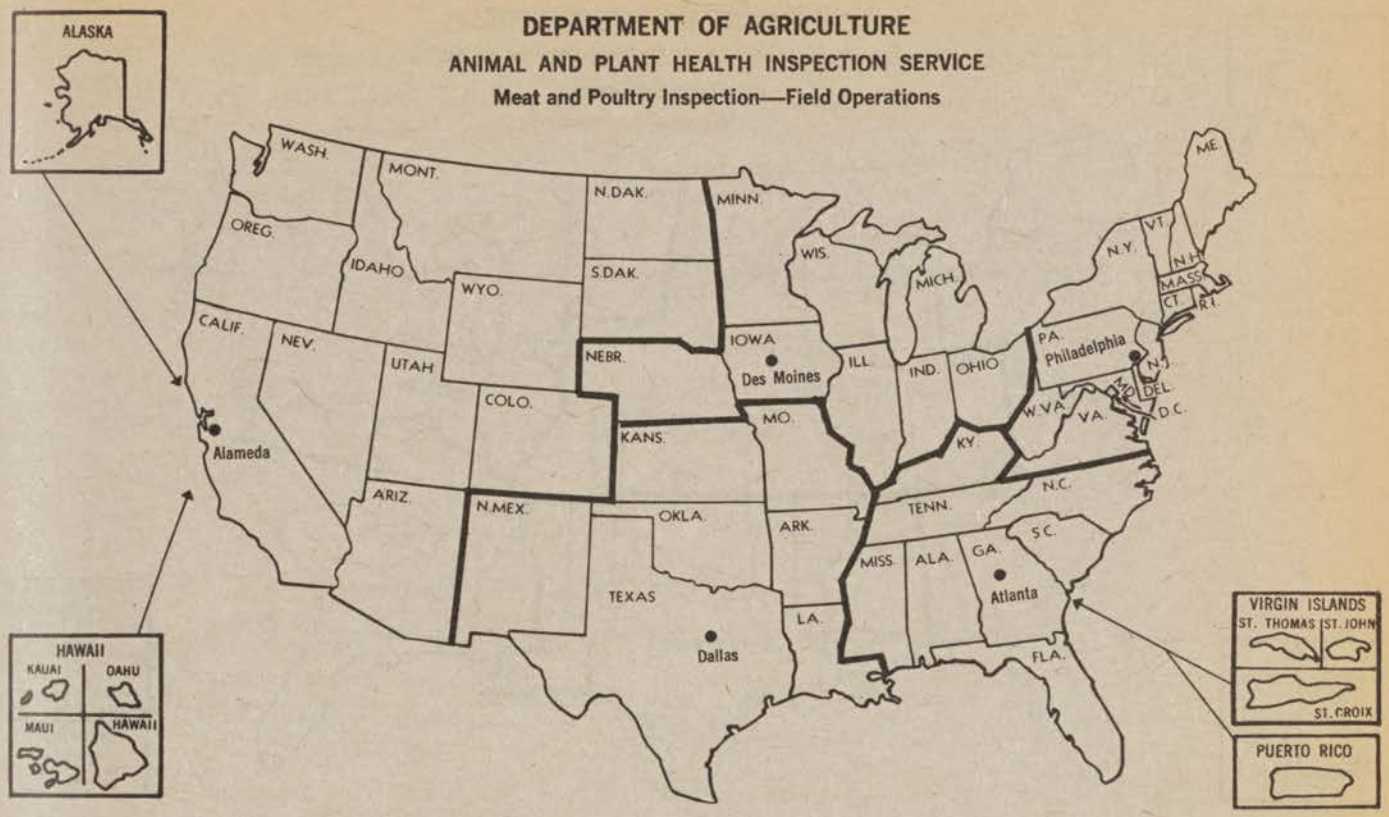
Small Business Administration

Region	Director	Address	Telephone
I	David P. Heilner	150 Causeway St., Boston, Mass. 02114	617–223–2100
II	Windle B. Priem	26 Federal Plaza, New York, N.Y. 10007	212–460–0100
III	A. M. Peterson	1 Decker Square, Bala Cynwyd, Pa. 19004	215–597–3311
IV	Wiley S. Messick	1401 Peachtree St. NE., Atlanta, Ga. 30309	404–526–0111
V	Robert A. Dwyer	219 South Dearborn St., Chicago, Ill. 60604	312–353–4400
VI	Frederick S. Neumann	1720 Regal Row, Dallas, Tex. 75202	214–749–1011
VII	Deryl K. Schuster	911 Walnut St., Kansas City, Mo. 64106	816–374–7000
VIII	Robert G. Sherwood	721 19th St., Denver, Colo. 80202	303–837–0111
IX	Gilbert Montano	450 Golden Gate Ave., San Francisco, Calif. 94102	415–556–9000
X	Daniel B. Ward	710 2d Ave., Seattle, Wash. 98104	206–442–0111

DEPARTMENT OF AGRICULTURE

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

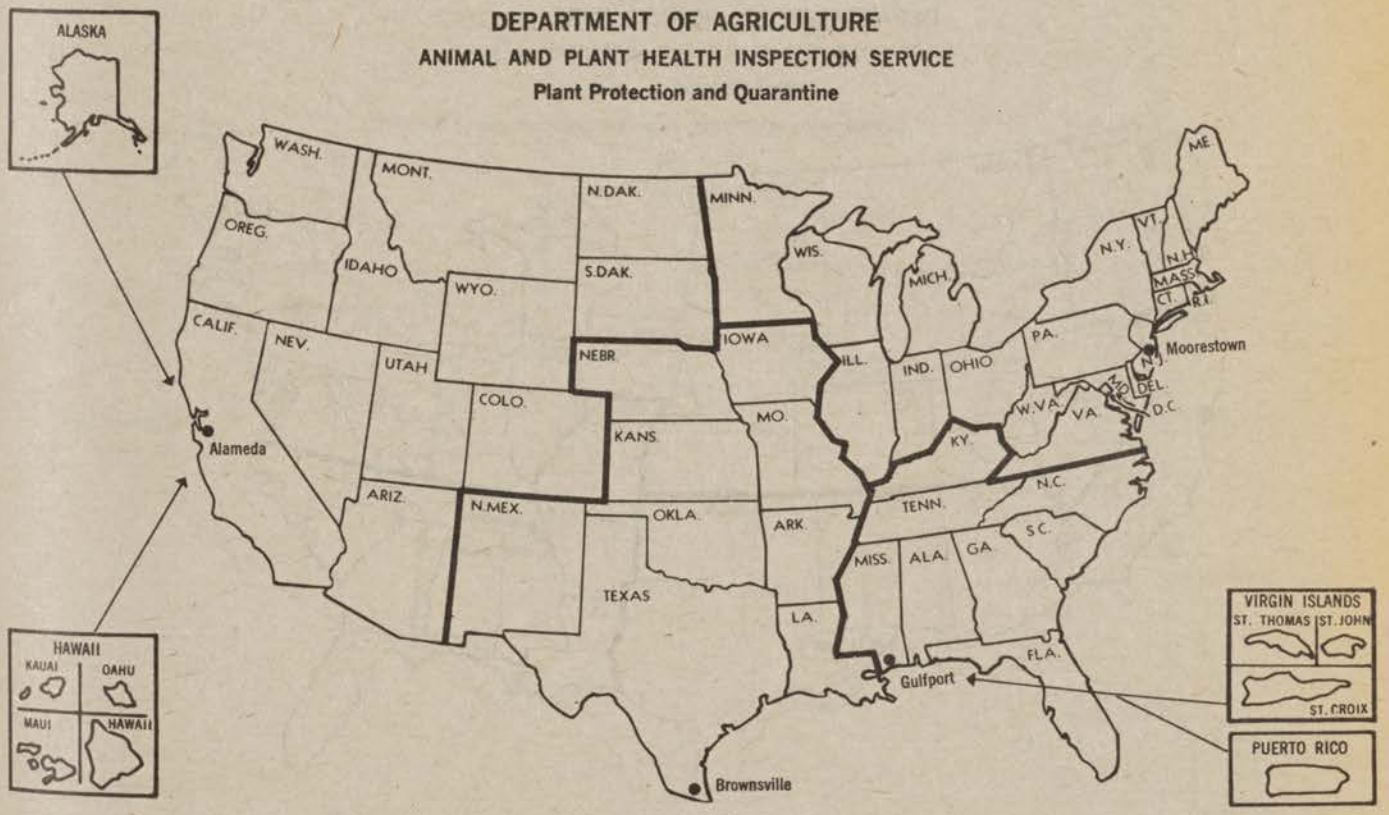
Meat and Poultry Inspection—Field Operations



DEPARTMENT OF AGRICULTURE

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

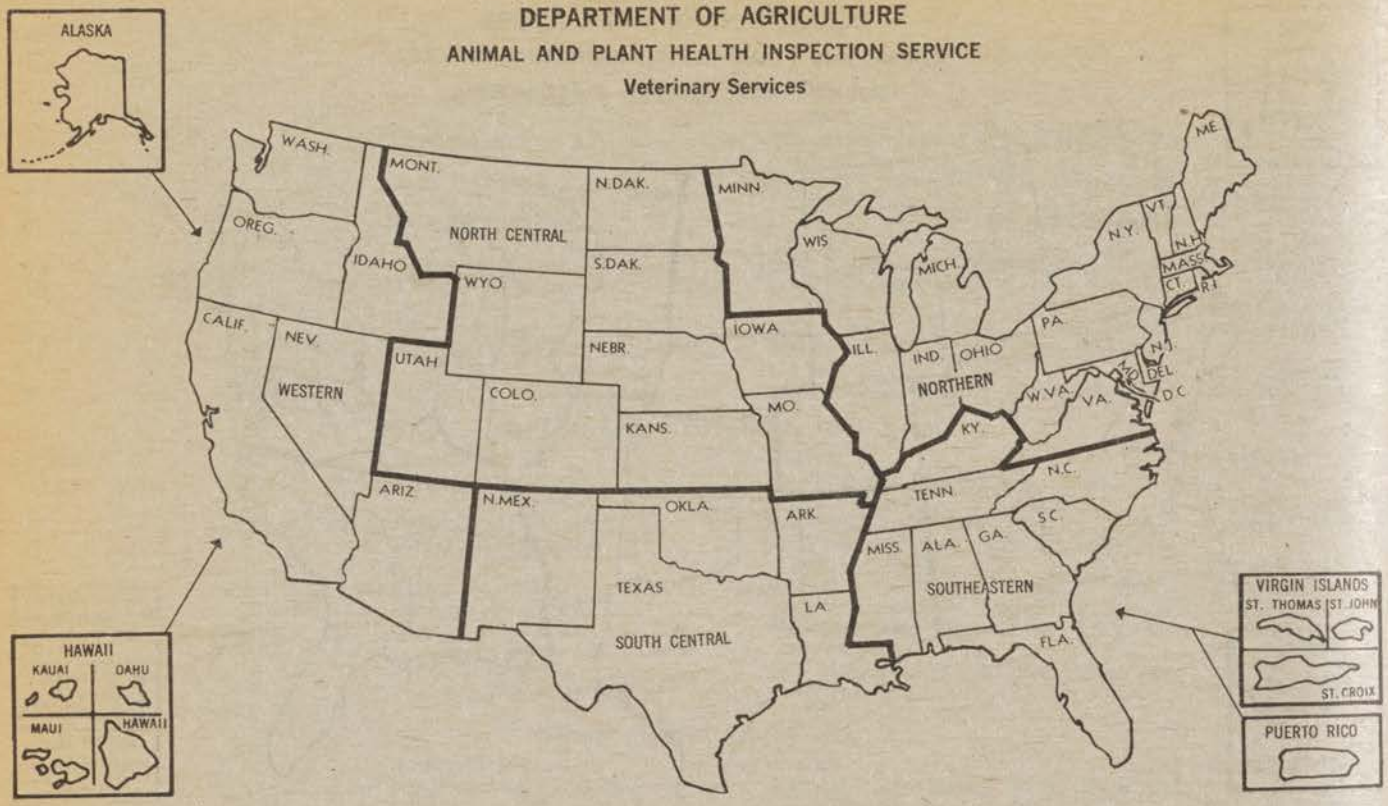
Plant Protection and Quarantine



DEPARTMENT OF AGRICULTURE

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

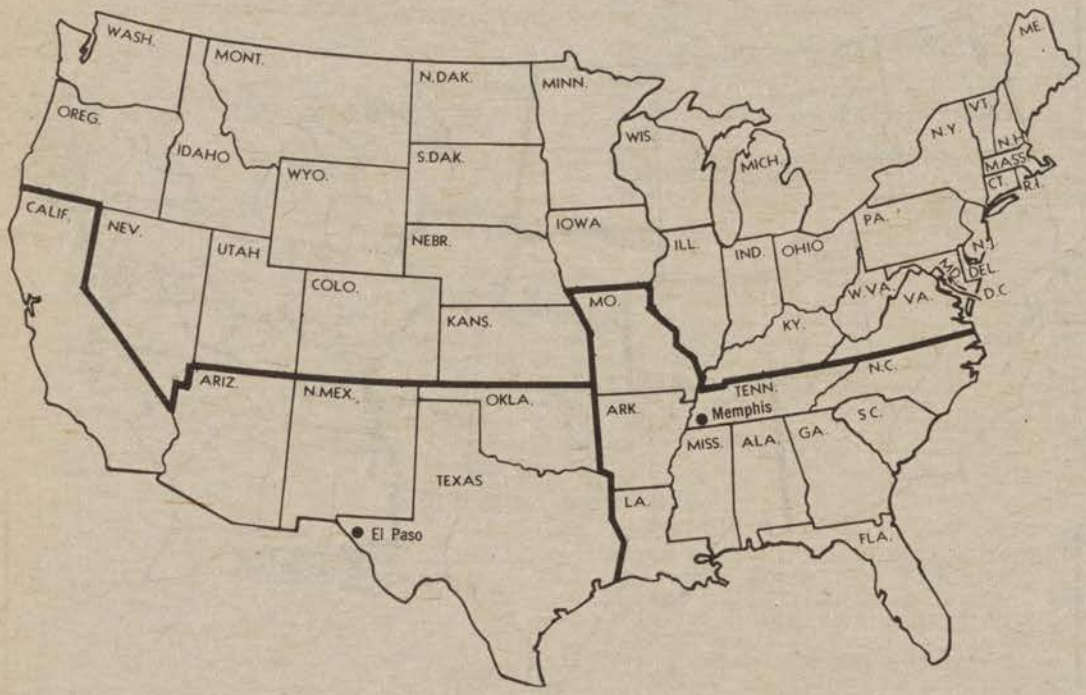
Veterinary Services



DEPARTMENT OF AGRICULTURE

AGRICULTURAL MARKETING SERVICE

Cotton Division



DEPARTMENT OF AGRICULTURE

AGRICULTURAL MARKETING SERVICE

Dairy Division

Inspection and Grading Branch

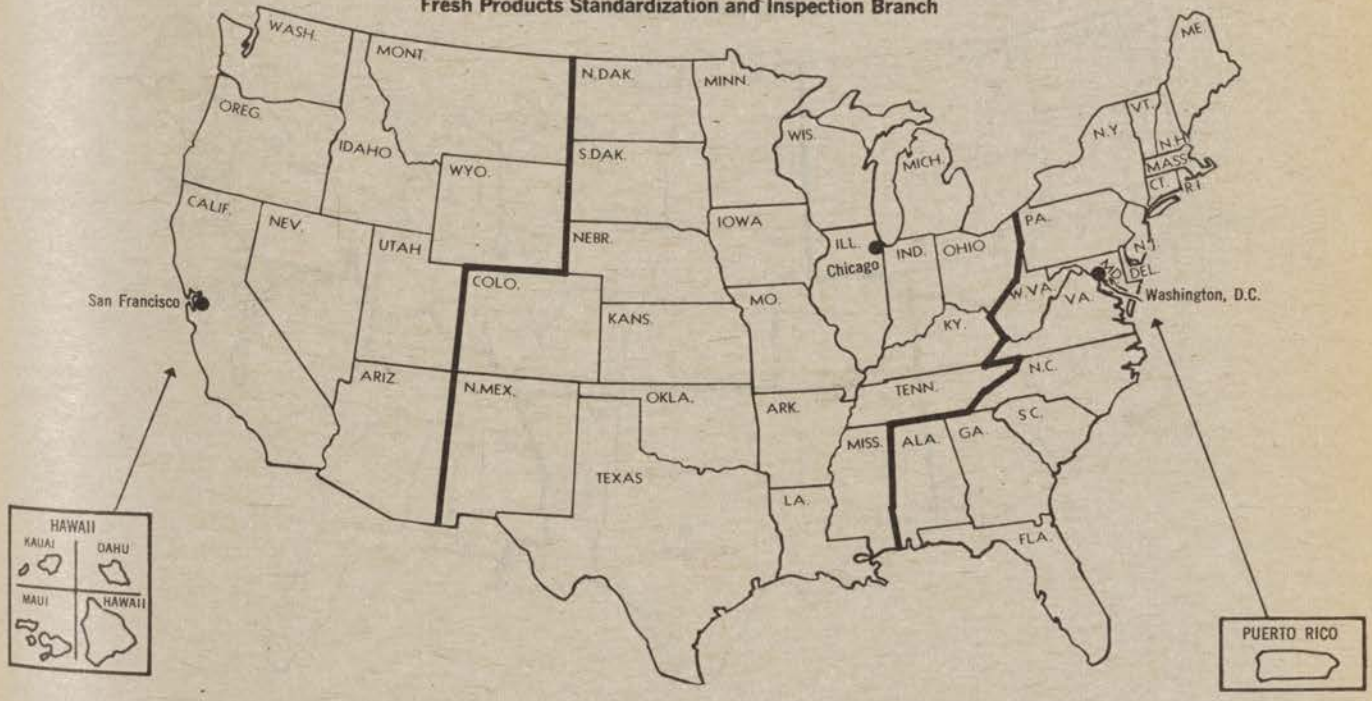


DEPARTMENT OF AGRICULTURE

AGRICULTURAL MARKETING SERVICE

Fruit and Vegetable Division

Fresh Products Standardization and Inspection Branch



DEPARTMENT OF AGRICULTURE

AGRICULTURAL MARKETING SERVICE

Fruit and Vegetable Division

Processed Products Standardization and Inspection Branch

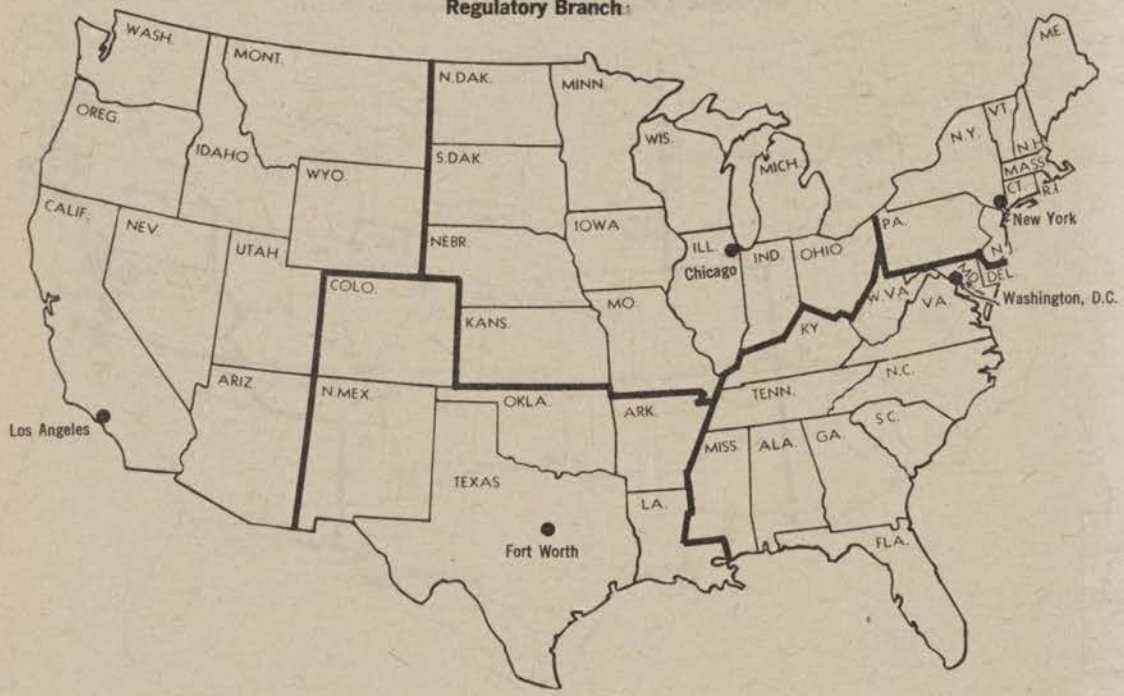


DEPARTMENT OF AGRICULTURE

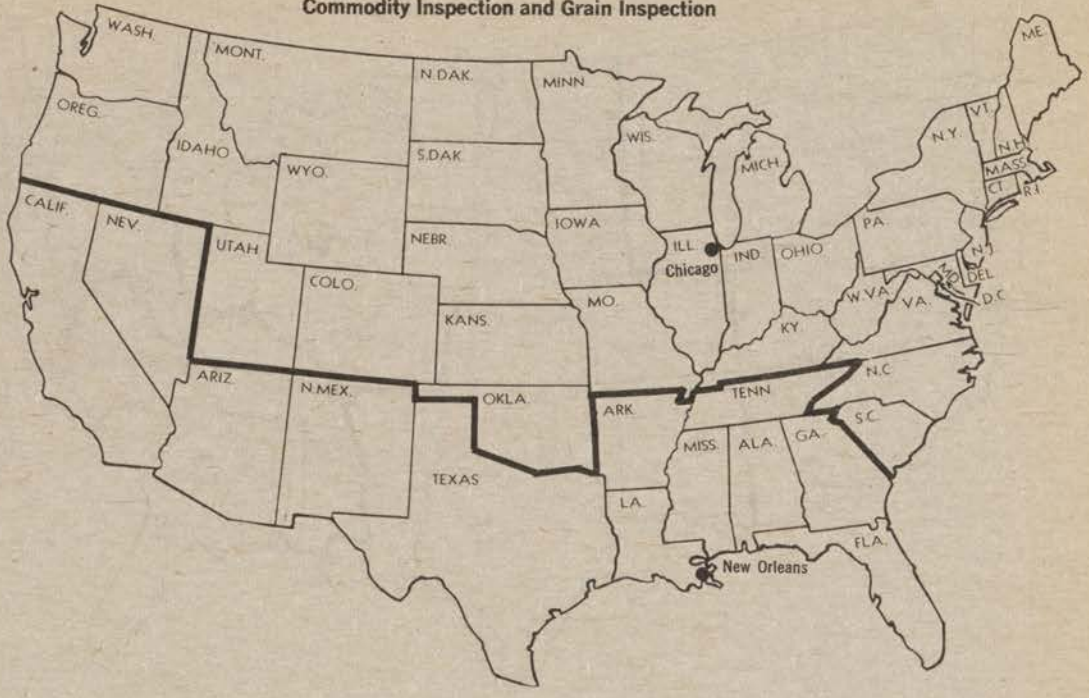
AGRICULTURAL MARKETING SERVICE

Fruit and Vegetable Division

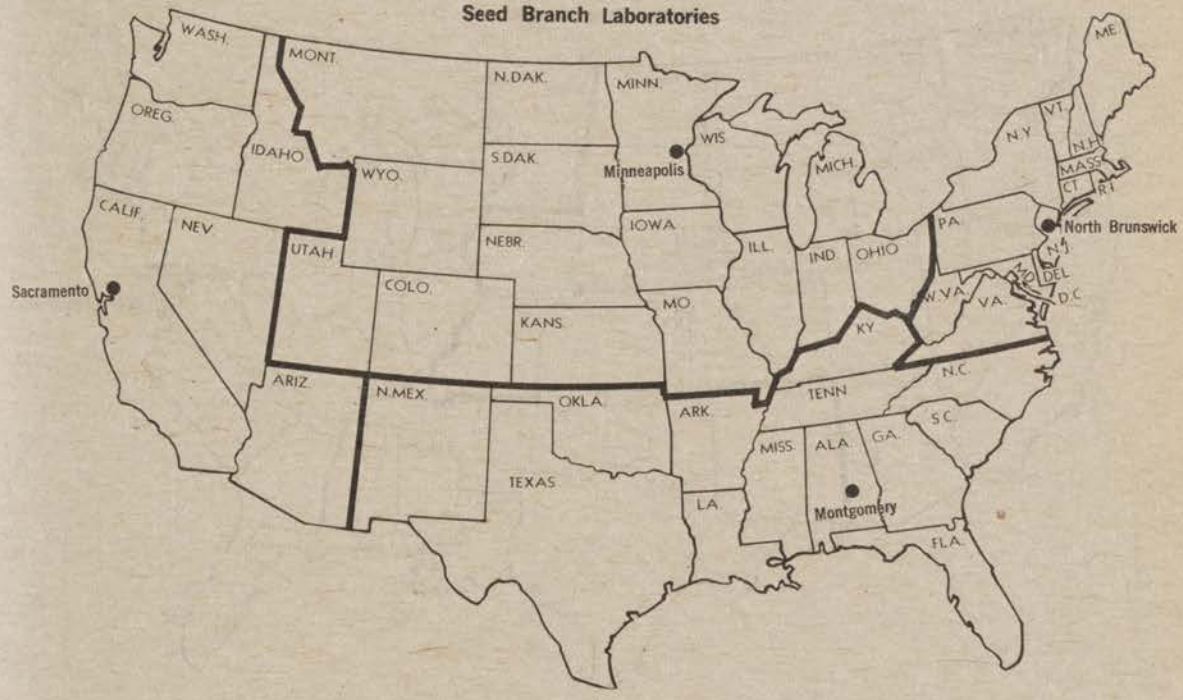
Regulatory Branch



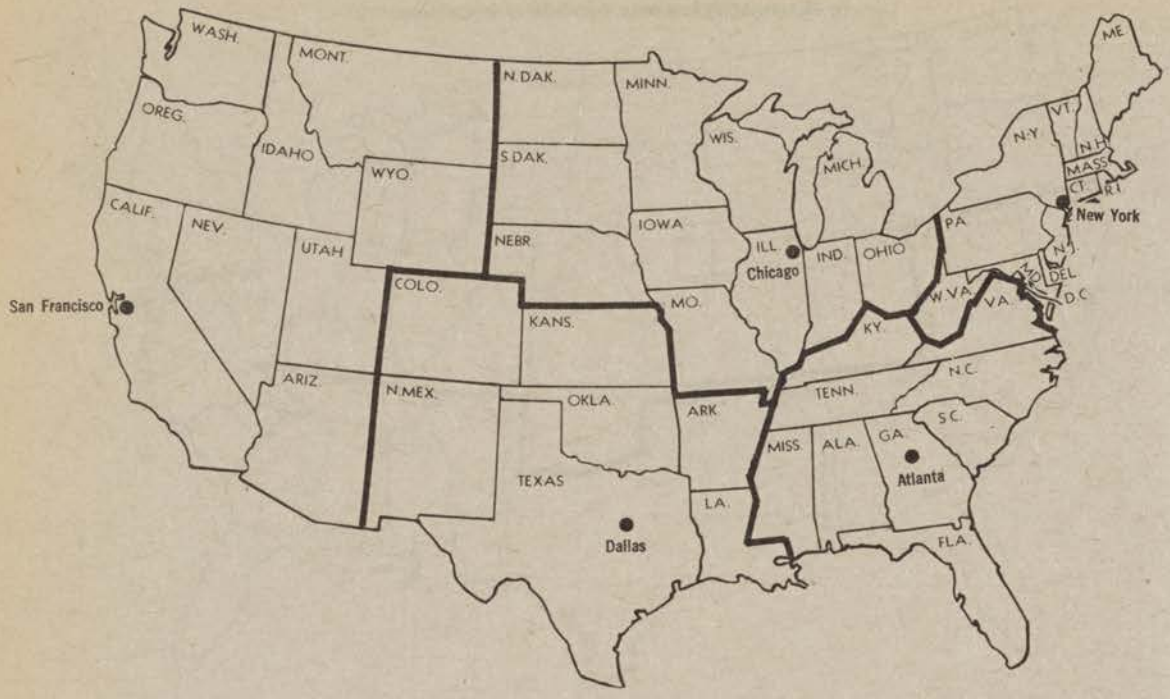
DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Grain Division
Commodity Inspection and Grain Inspection



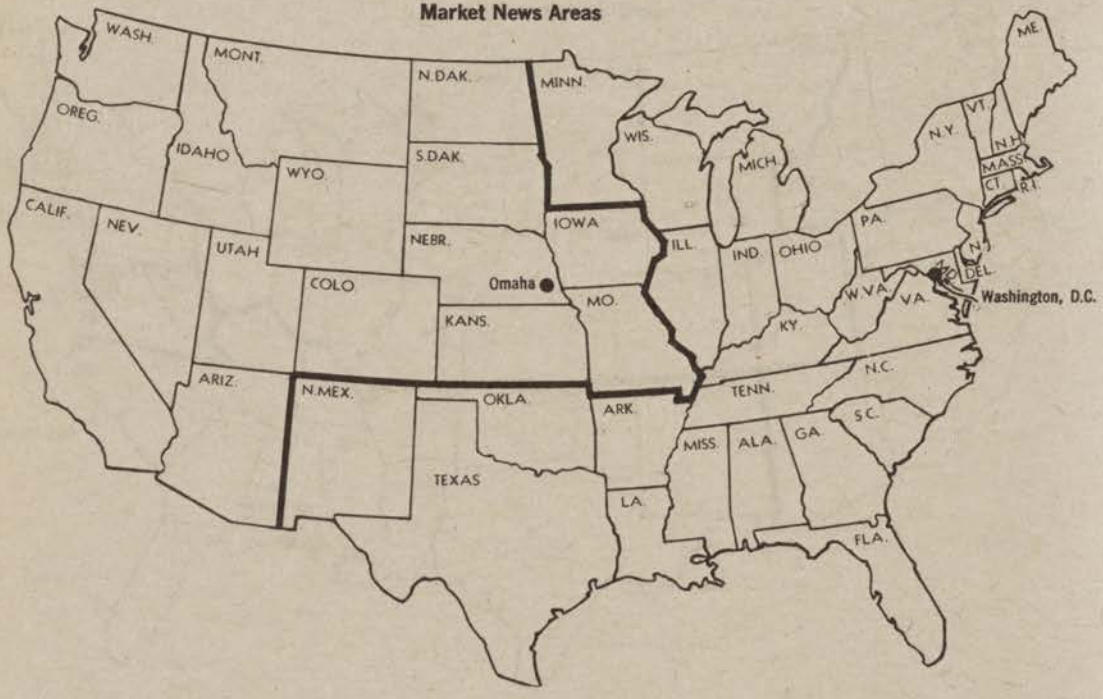
DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Grain Division
Seed Branch Laboratories



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Information Division



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Livestock Division
Market News Areas

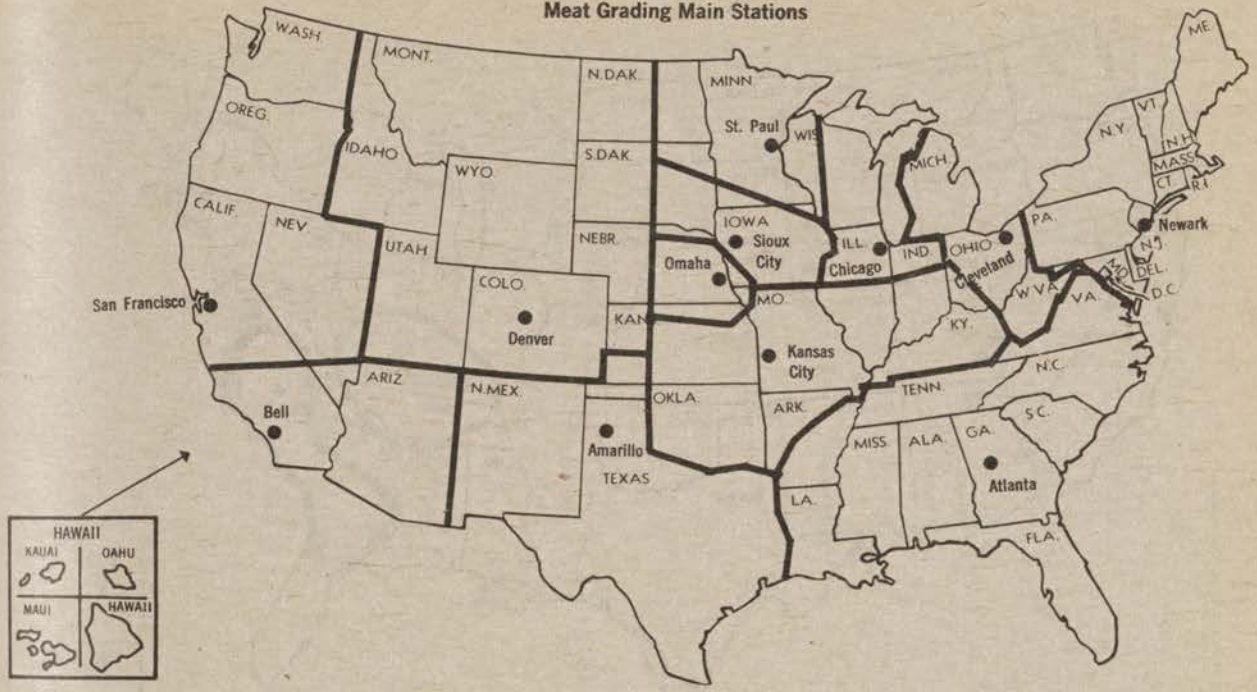


DEPARTMENT OF AGRICULTURE

AGRICULTURAL MARKETING SERVICE

Livestock Division

Meat Grading Main Stations

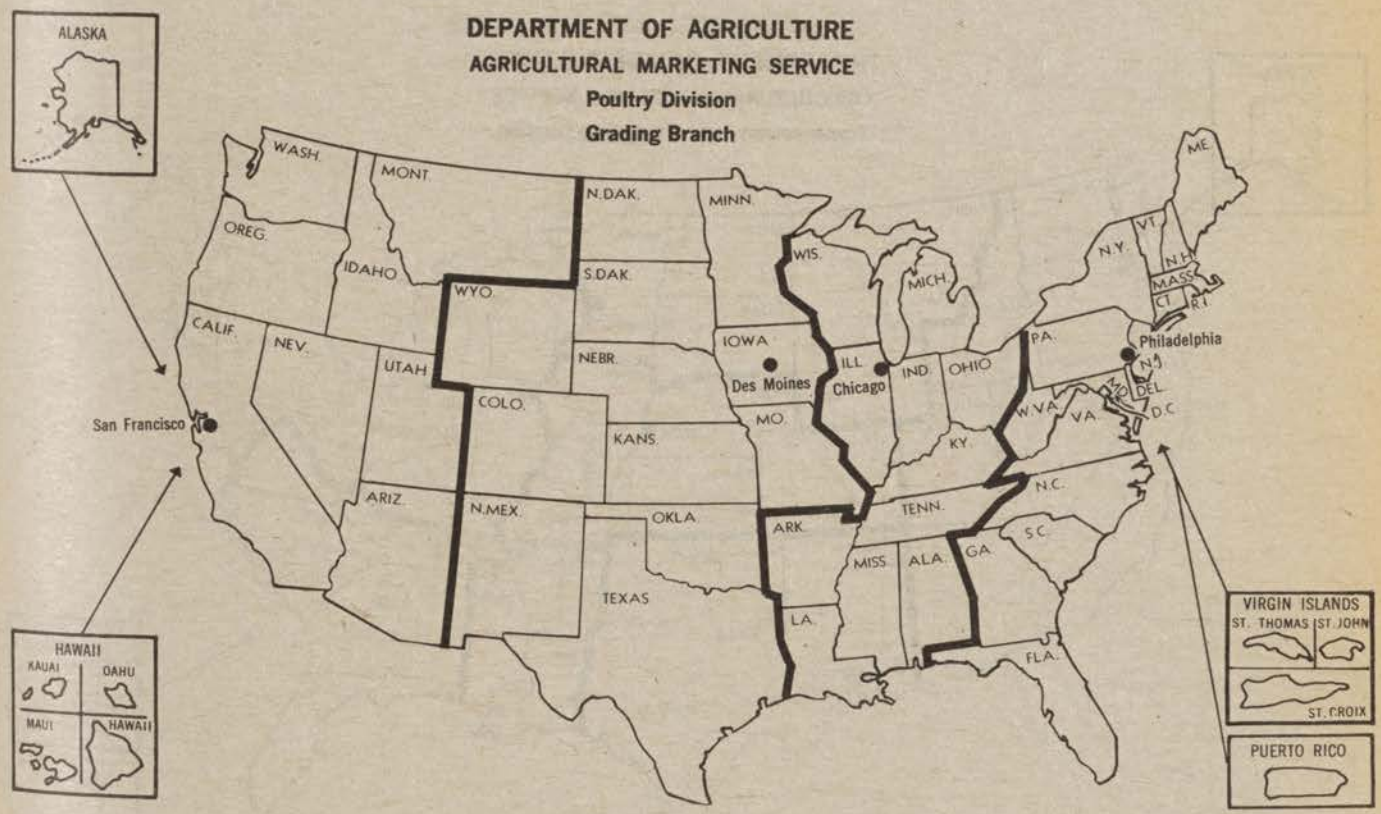


DEPARTMENT OF AGRICULTURE

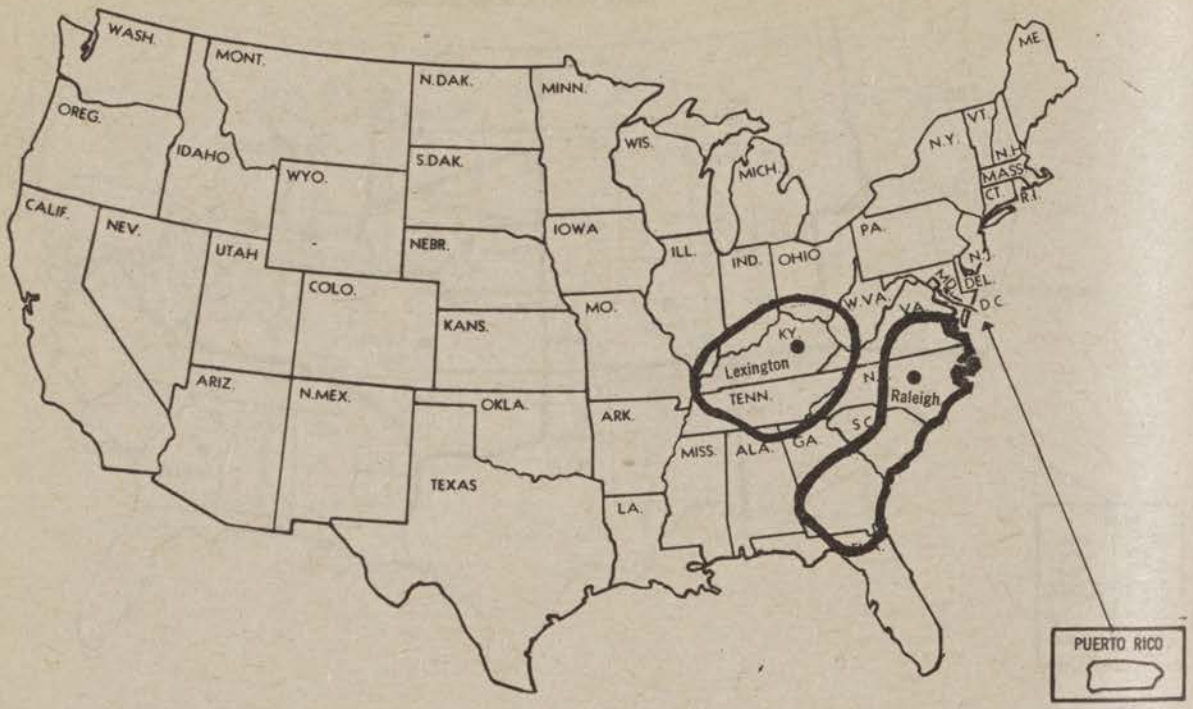
AGRICULTURAL MARKETING SERVICE

Poultry Division

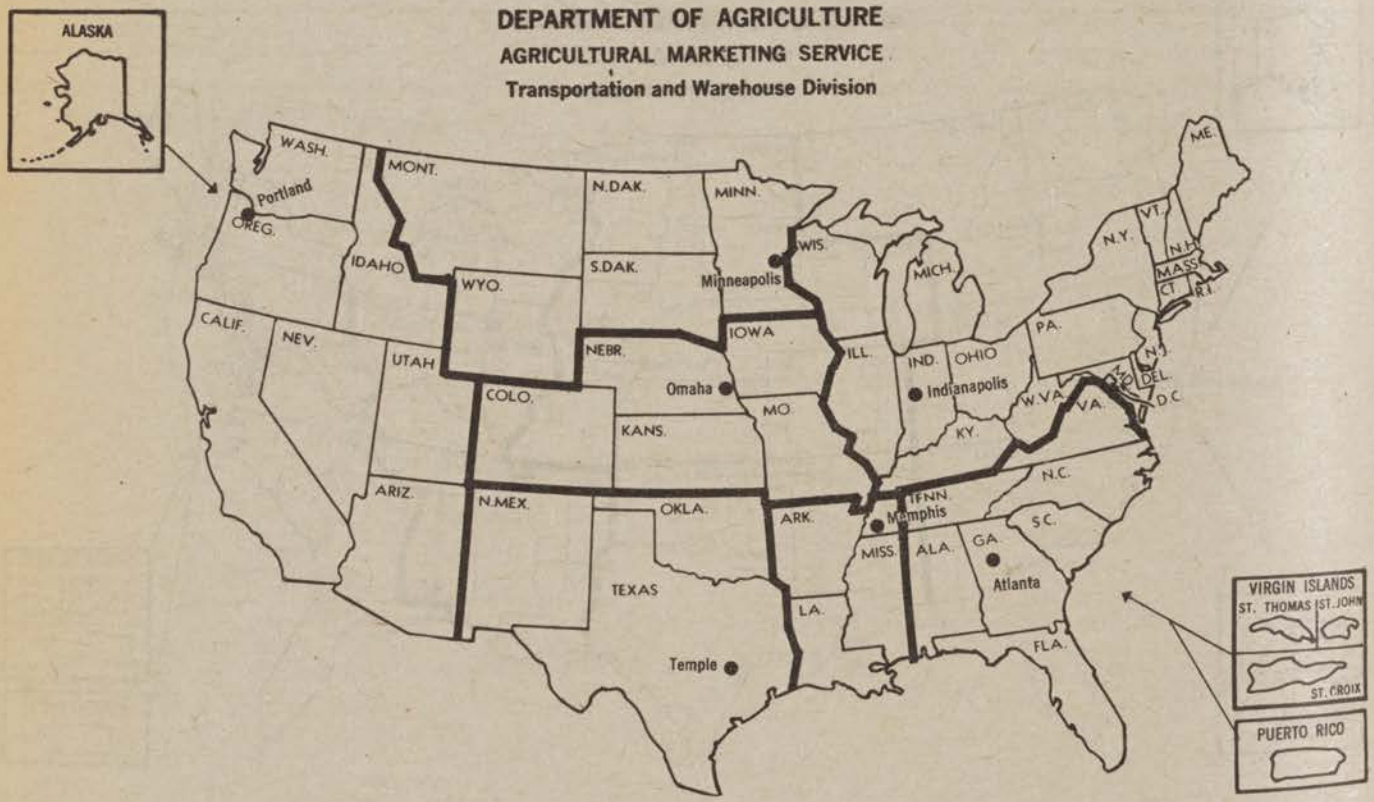
Grading Branch



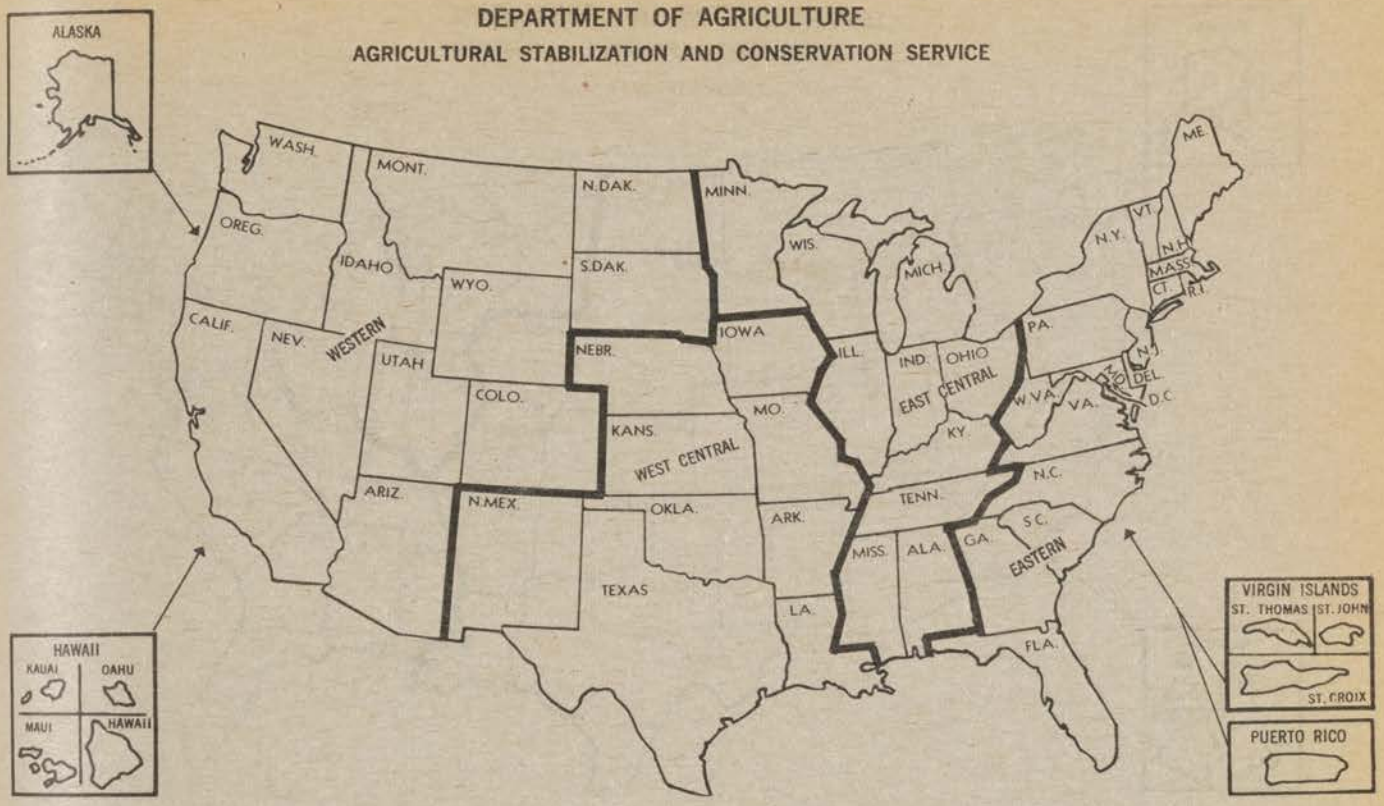
DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Tobacco Division



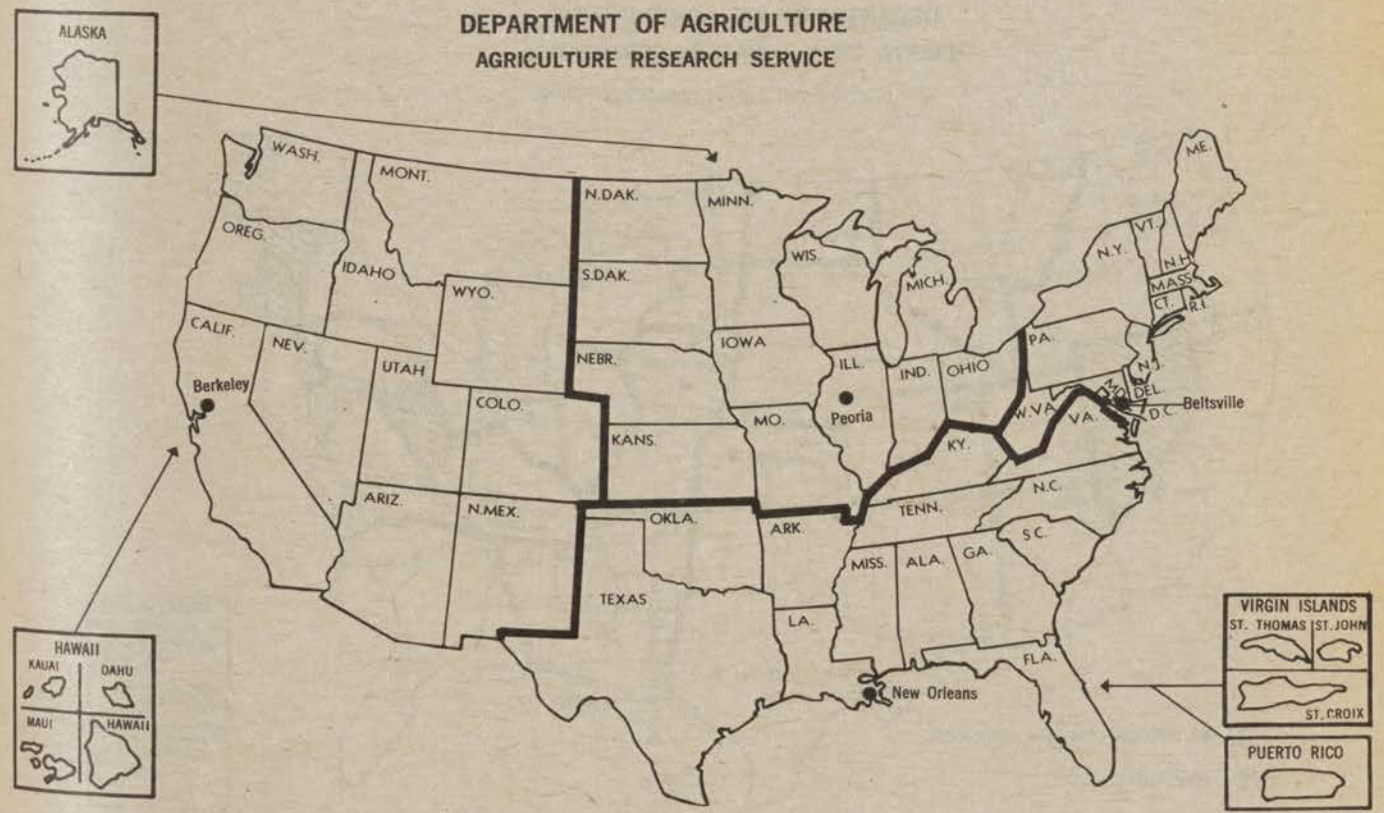
DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Transportation and Warehouse Division



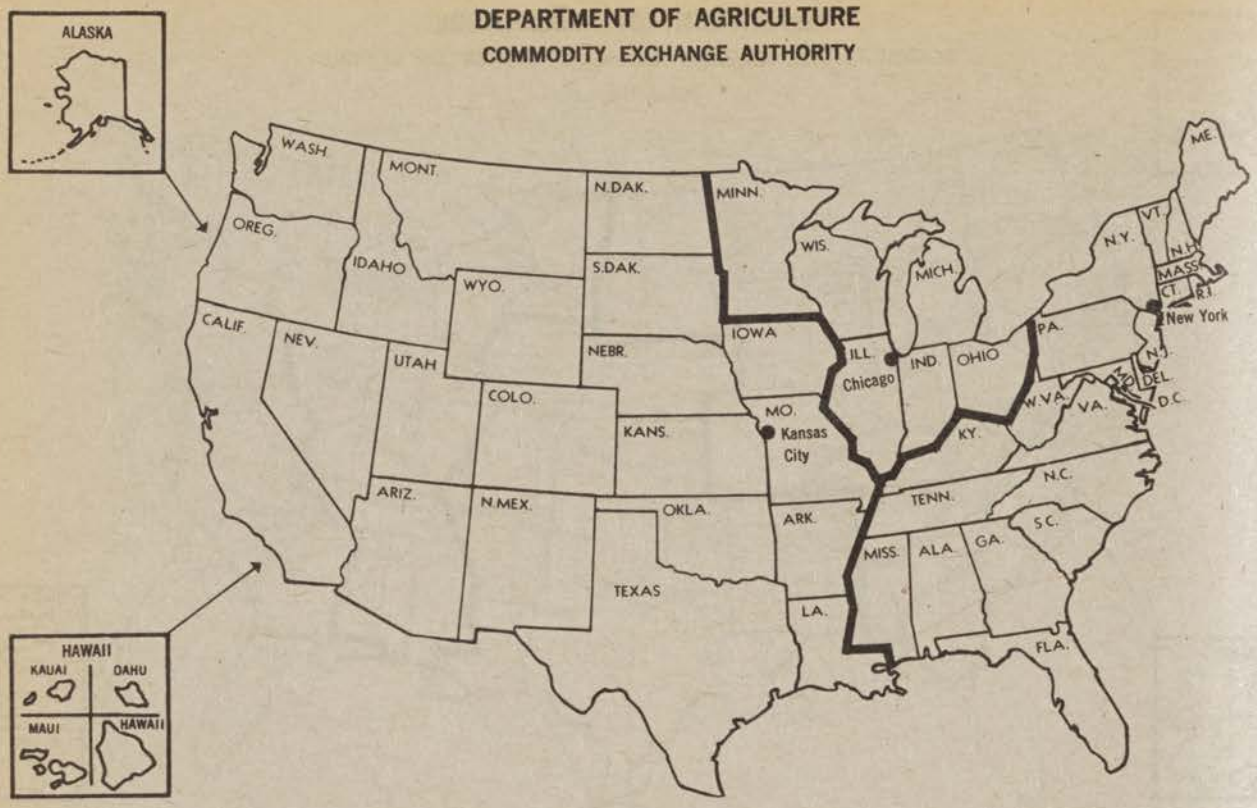
DEPARTMENT OF AGRICULTURE
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE



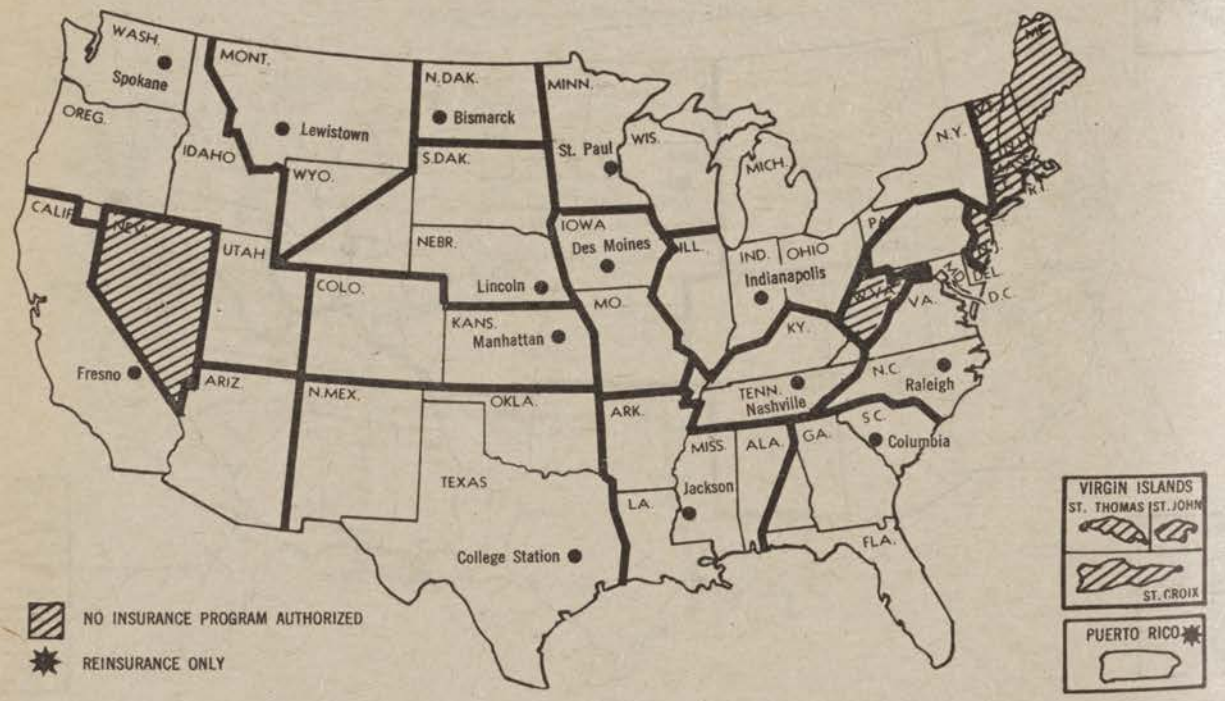
DEPARTMENT OF AGRICULTURE
AGRICULTURE RESEARCH SERVICE



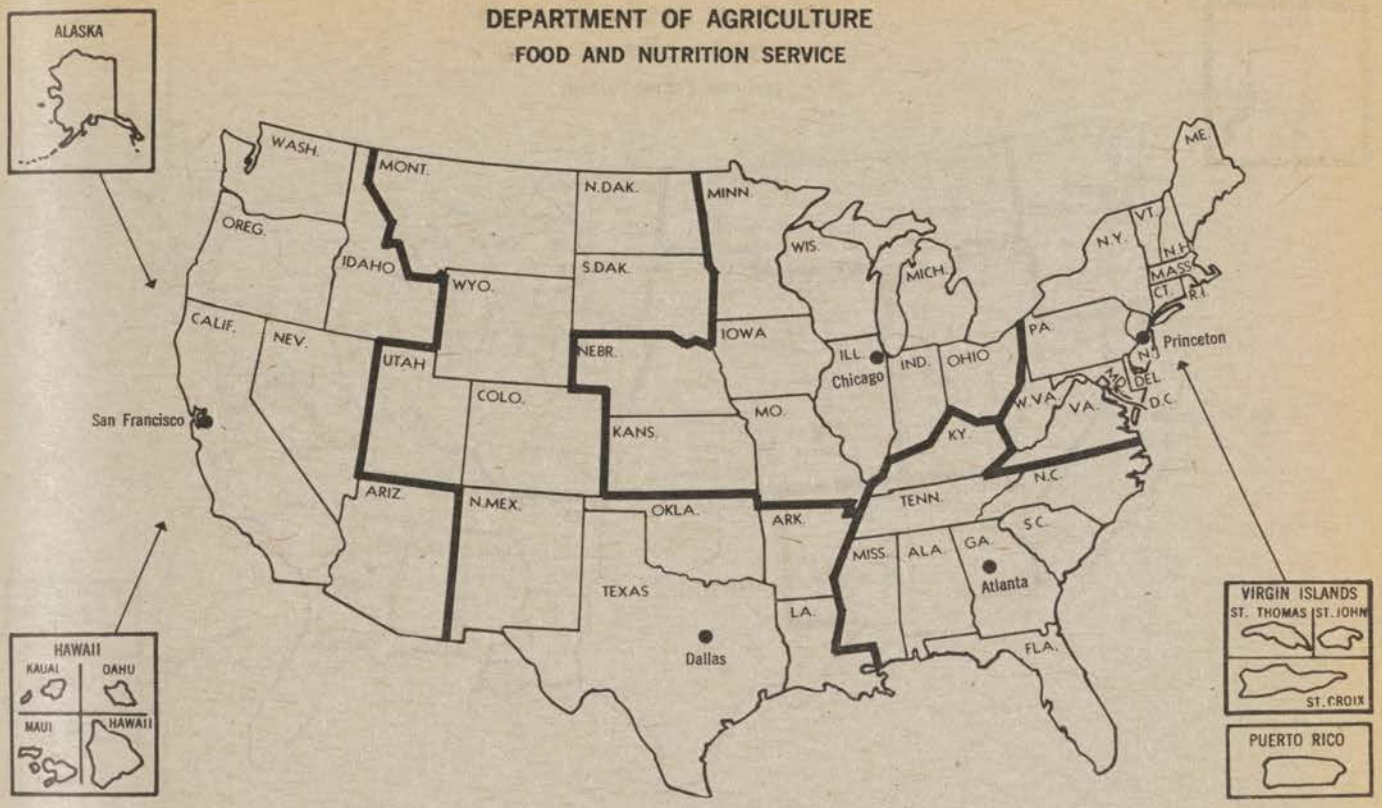
DEPARTMENT OF AGRICULTURE
COMMODITY EXCHANGE AUTHORITY



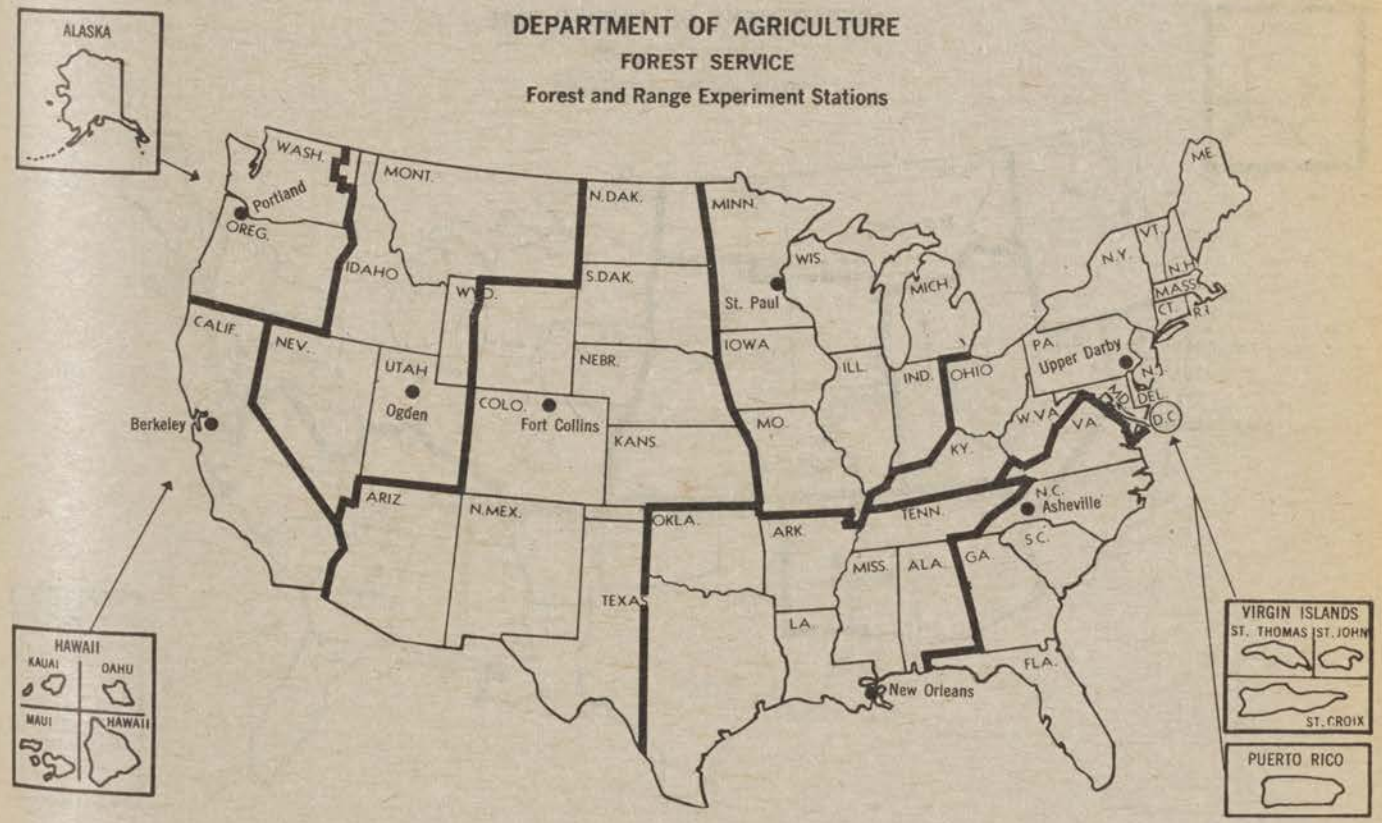
DEPARTMENT OF AGRICULTURE
FEDERAL CROP INSURANCE CORPORATION



DEPARTMENT OF AGRICULTURE
FOOD AND NUTRITION SERVICE



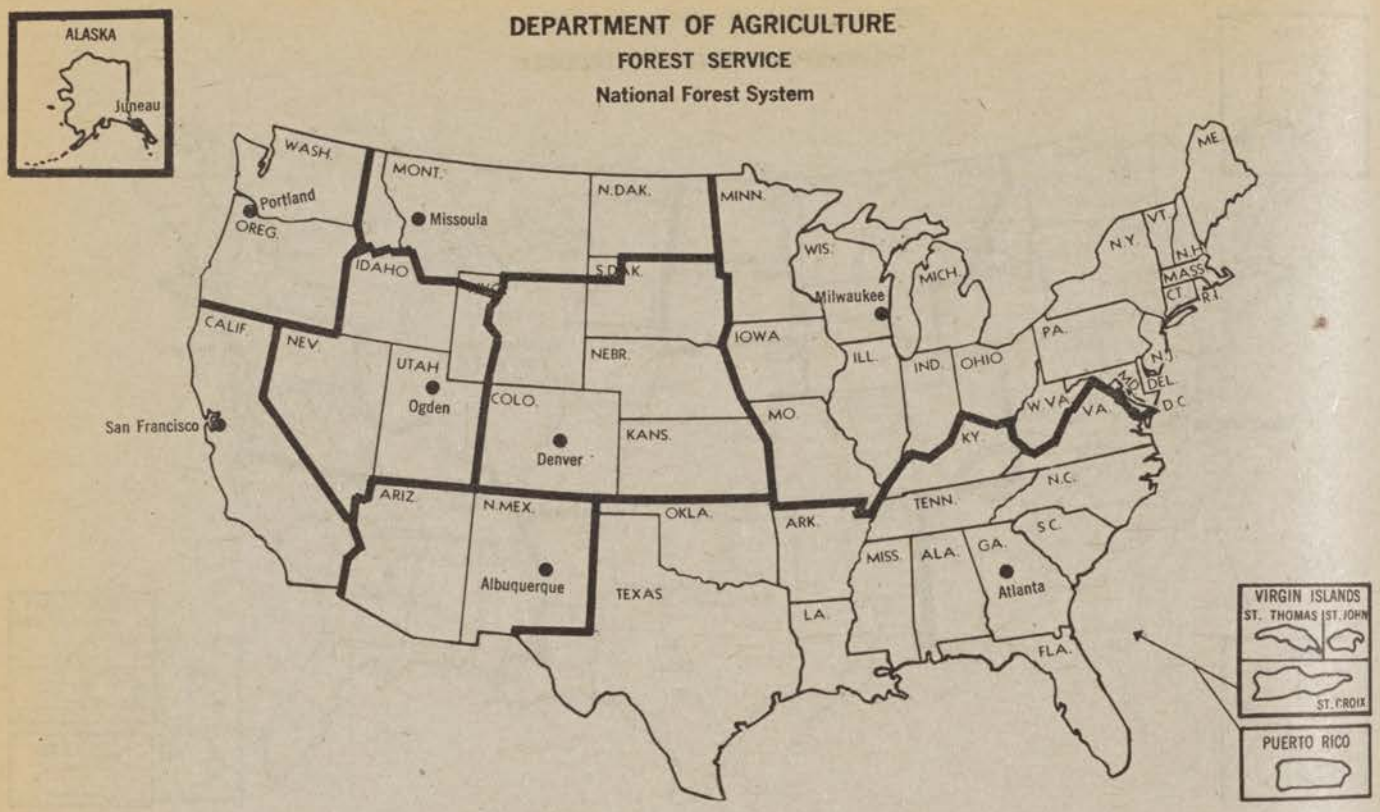
DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Forest and Range Experiment Stations



DEPARTMENT OF AGRICULTURE

FOREST SERVICE

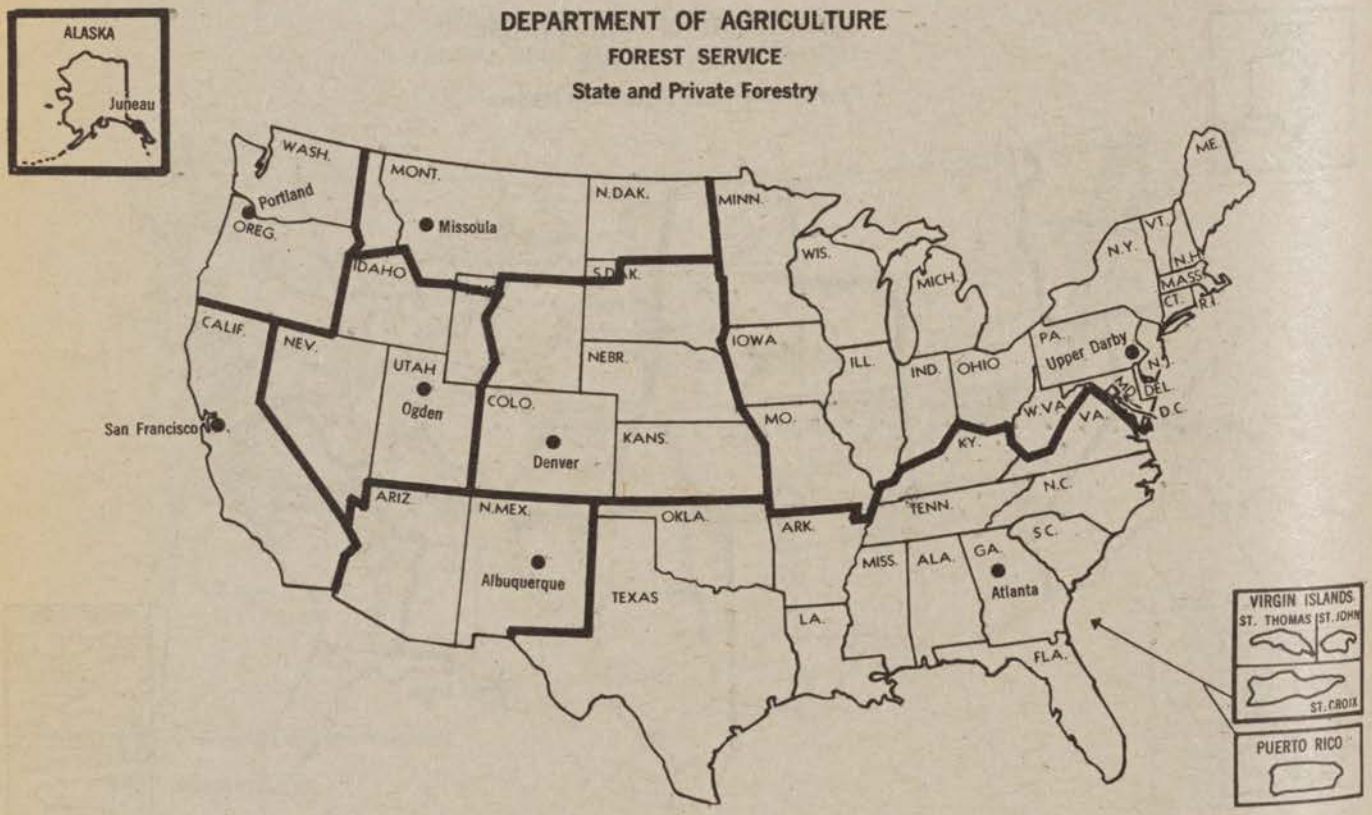
National Forest System



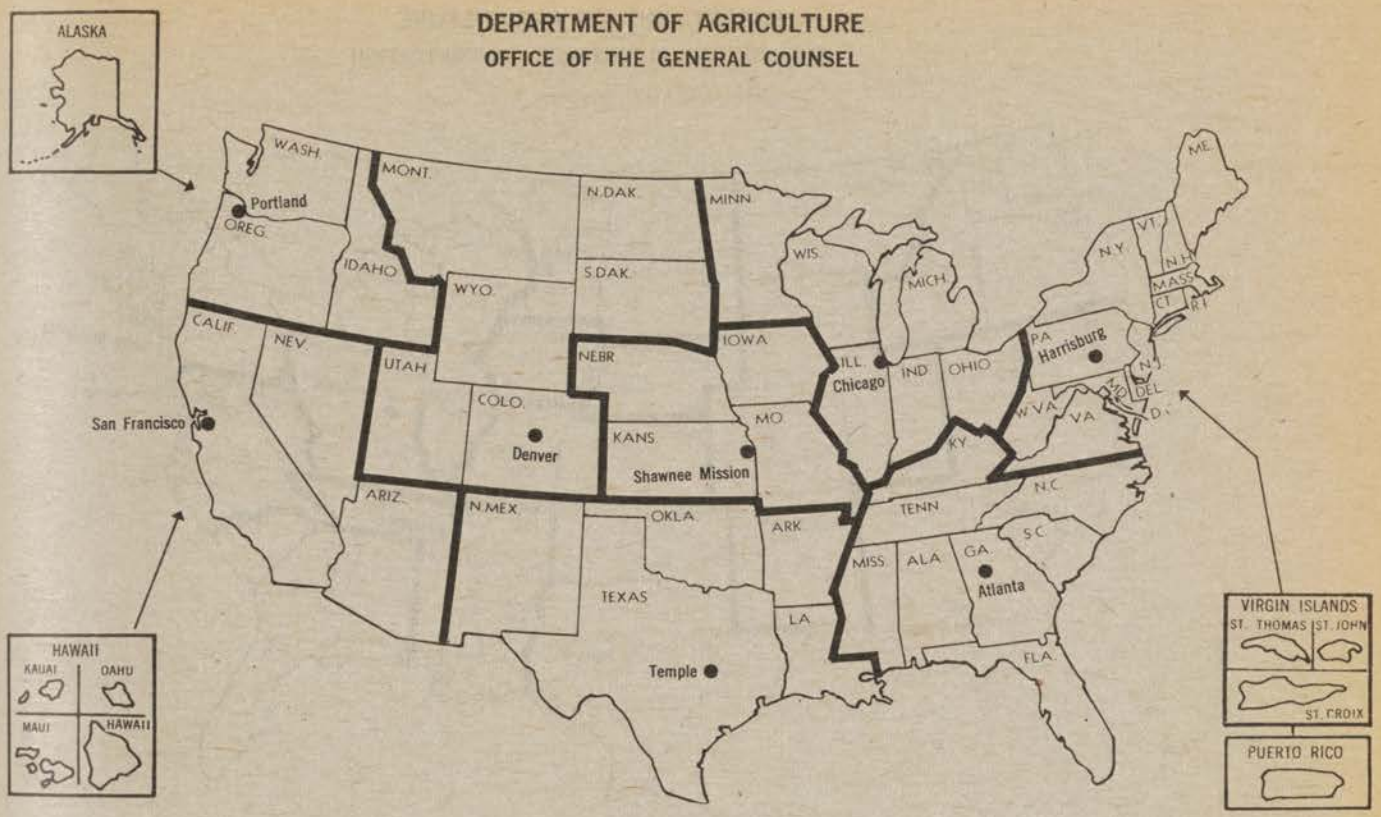
DEPARTMENT OF AGRICULTURE

FOREST SERVICE

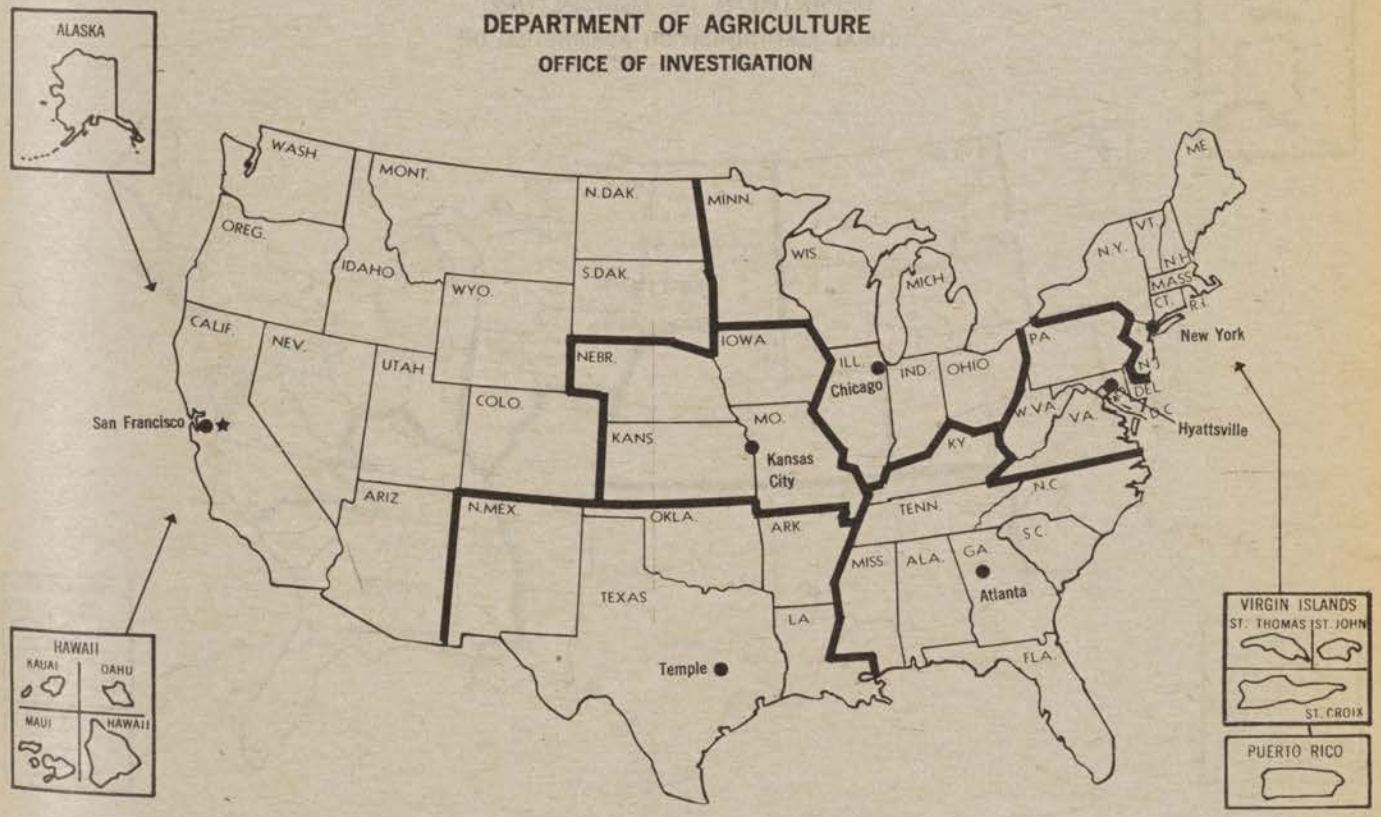
State and Private Forestry



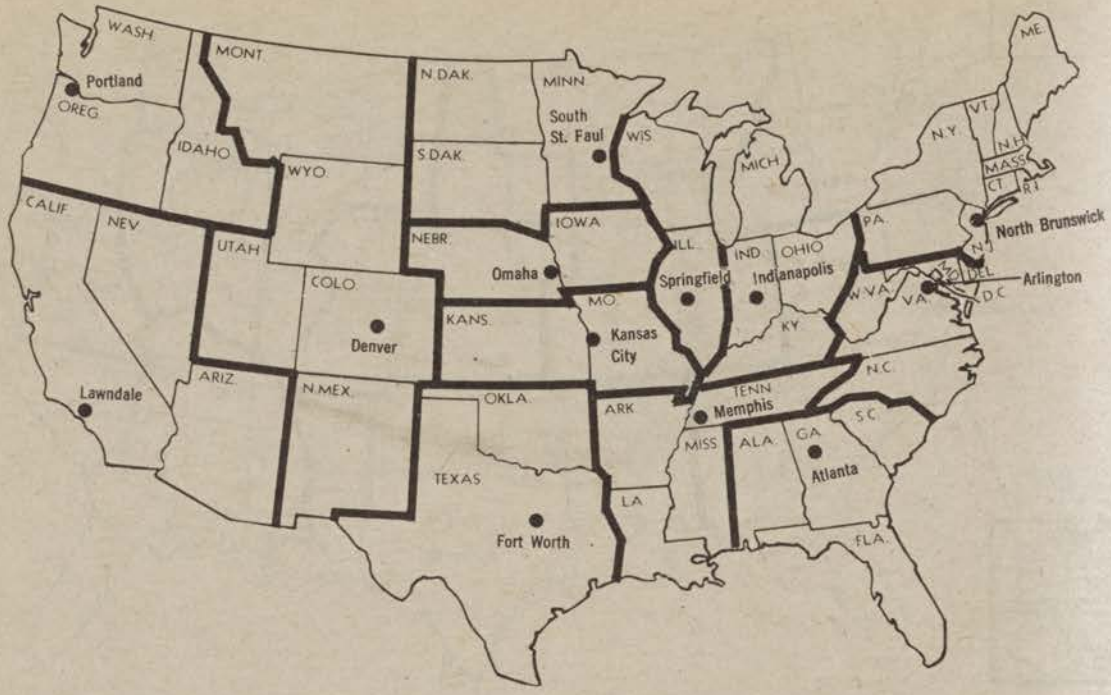
DEPARTMENT OF AGRICULTURE
OFFICE OF THE GENERAL COUNSEL



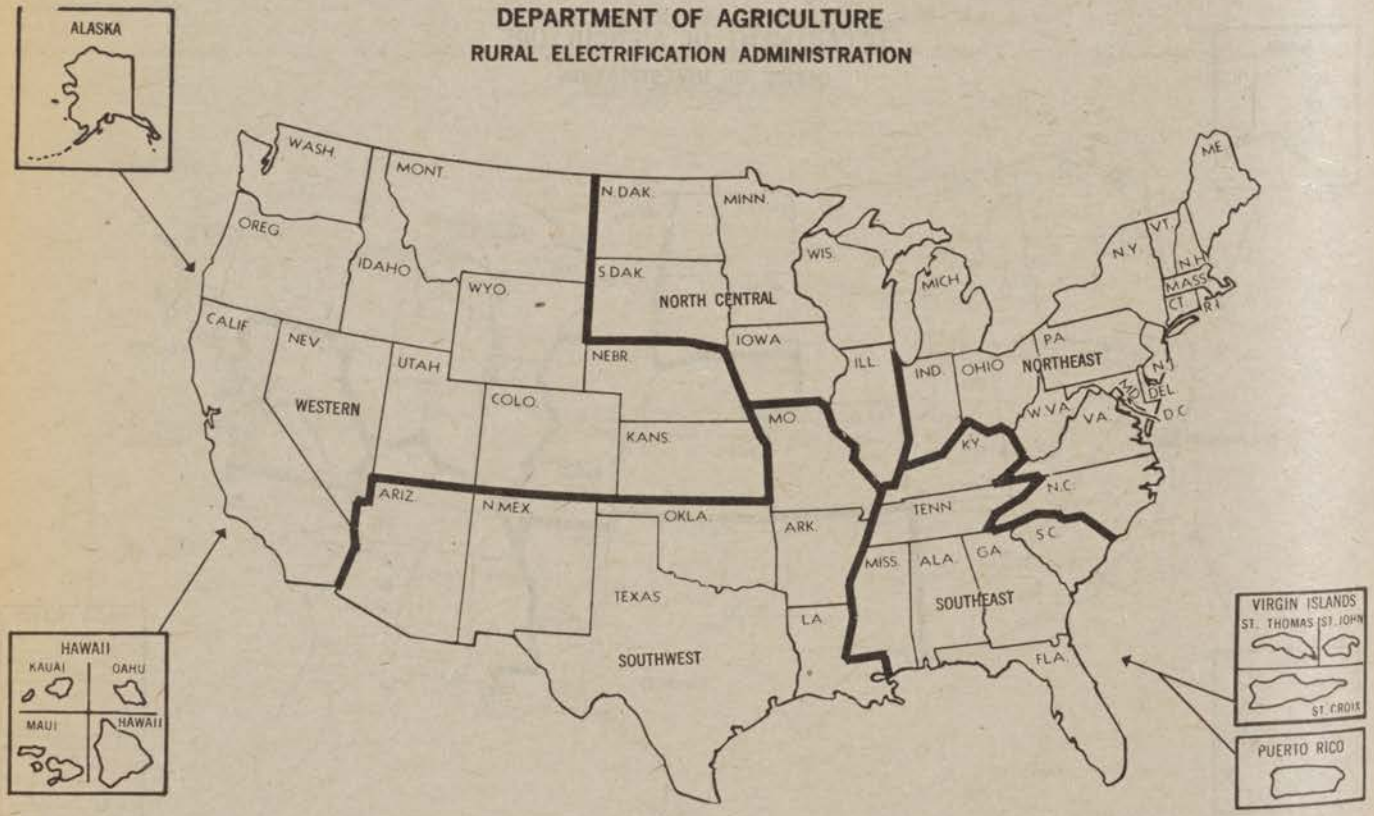
DEPARTMENT OF AGRICULTURE
OFFICE OF INVESTIGATION



DEPARTMENT OF AGRICULTURE
PACKERS AND STOCKYARDS ADMINISTRATION



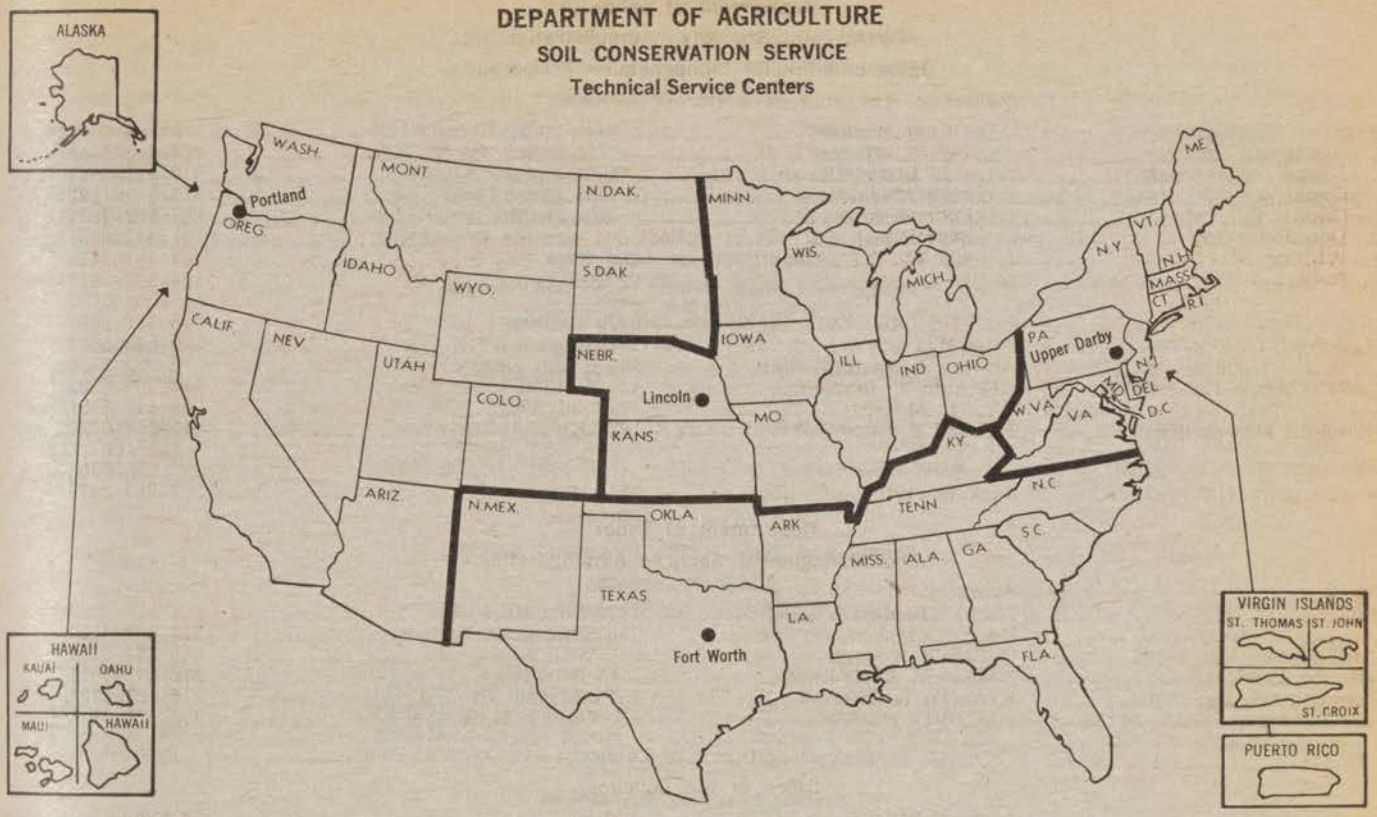
DEPARTMENT OF AGRICULTURE
RURAL ELECTRIFICATION ADMINISTRATION



DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Technical Service Centers



Department of Agriculture
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Field Operations

Region	Director	Address	Telephone
Des Moines, Iowa 50309	Dr. L. H. Burkert	East 1st and Walnut Sts	515–284–4042
Atlanta, Ga. 30309	Dr. G. E. Harner	1718 Peachtree St. NW	404–526–3911
Alameda, Calif. 94501	Dr. L. J. Rafoth	620 Central Ave	415–273–7402
Philadelphia, Pa. 19102	Dr. M. J. Hatter	1421 Cherry St	215–597–4219
Dallas, Tex. 75201	Dr. W. H. Irvin	1100 Commerce St	214–749–3747

Department of Agriculture
Animal and Plant Health Inspection Service
Plant Protection and Quarantine

Region	Director	Address	Telephone
Moorestown, N.J. 08057	J. T. Koski	P.O. Box 93	609–963–2267 2268
Gulfport, Miss. 39501	H. L. Ford	P.O. Box 989	601–863–6103
Alameda, Calif. 94501	A. L. Adams	620 Central Ave	415–273–7241
Brownsville, Tex. 78520	J. L. Ward	2100 Boca Chica Blvd	512–546–2236 2237

Department of Agriculture
Animal and Plant Health Inspection Service
Veterinary Services

(Located at 6525 Belcrest Rd., Hyattsville, Md. 20782)

Region	Director	Address	Telephone
South Central	Dr. J. H. Wommack	Room 842A, Federal Bldg	301–436–8325
Northern	Dr. H. C. King	Room 845, Federal Bldg	301–436–8644
Southeastern	Dr. M. J. Tillery	Room 842A, Federal Bldg	301–436–8391
North Central	Dr. Gerald V. Peacock	Room 838, Federal Bldg	301–436–8333
Western	Dr. G. E. Blake	Room 843, Federal Bldg	301–436–8700

Department of Agriculture
Agricultural Marketing Service
Cotton Division

Region	Director	Address	Telephone
Memphis, Tenn. 38117	David H. Stancil	4841 Summer Ave	901–682–1601
El Paso, Tex. 79901	Donald W. Bratton	303 North Oregon St	915–543–7676

Department of Agriculture
Agricultural Marketing Service
Dairy Division
Inspection and Grading Branch

Region	Area Supervisor	Address	Telephone
San Francisco, Calif. 94111	Roy F. Hedtke	630 Sansome St	415–556–5585
Chicago, Ill. 60605	Kenneth R. Olson	610 South Canal St	312–353–6680
Minneapolis, Minn. 55401	Harold K. Linden	Federal Bldg	612–725–2248
Syracuse, N.Y. 13210	LeRoy C. Iverson	700 East Water St	315–473–3596

Department of Agriculture
Agricultural Marketing Service
Fruit and Vegetable Division
Fresh Products Standardization and Inspection Branch

Region	Director	Address	Telephone
Chicago, Ill. 60607	Lewis P. VonWald	610 South Canal St	312–353–6225
San Francisco, Calif. 94111	Minton C. Erickson	630 Sansome St	415–556–3945
Washington, D.C. 20250	Edward W. Ross, Jr	14th and Independence Ave. SW	202–447–4560

Department of Agriculture
Agricultural Marketing Service
Fruit and Vegetable Division
Processed Products Standardization and Inspection Branch

Region	Director	Address	Telephone
Chicago, Ill. 60607	Elton Hughes	610 Canal St	312–353–6217
Washington, D.C. 20250	Hobart N. Falen	14th and Independence Ave. SW	202–447–7913
San Francisco, Calif. 94105	R. O. McHenry	390 Main St	415–556–4800

Department of Agriculture
Agricultural Marketing Service
Fruit and Vegetable Division
Regulatory Branch

Region	Officer in Charge	Address	Telephone
Chicago, Ill. 60607	Jack C. Morris	610 Canal St	312–353–6220
Fort Worth, Tex. 76102	Joseph E. Ward	Federal Bldg	817–334–2624
Los Angeles, Calif. 90013	Thomas R. Walp	417 South Hill St	213–688–3195
New York, N.Y. 10007	Eugene M. Carlucci	Federal Bldg	212–264–1118
Washington, D.C. 20250	Michael D. Price	14th and Independence Ave. SW	202–447–4180

Department of Agriculture
Agricultural Marketing Service
Grain Division
Commodity Inspection and Grain Inspection

Region	Director	Address	Telephone
Chicago, Ill. 60605	Dwain V. Watson	536 South Clark St	312–353–4416 4417
New Orleans, La. 70113	John W. Marshall	Federal Office Bldg	504–527–2914

Department of Agriculture
Agricultural Marketing Service
Grain Division
Seed Branch Laboratories

Laboratory	Officer in Charge	Address	Telephone
Montgomery, Ala. 36104	Glen D. Koskinen	474 South Court St	205–265–5611
Sacramento, Calif. 95808	Vera L. Colbry	Federal Bldg	916–449–3134
Minneapolis, Minn. 55401	Carleton M. Hanson	Federal Office Bldg	612–725–2255
North Brunswick, N.J. 08902	Ralph H. Hofmann	985 Patton St	201–846–4500 Ext. 288

Department of Agriculture
Agricultural Marketing Service
Information Division

Region	Chief	Address	Telephone
Chicago, Ill. 60605	Herbert C. Jackson	536 South Clark St	312–353–6670
Dallas, Tex. 75202	Harold C. Bryson	1100 Commerce St	214–749–3331
New York, N.Y. 10007	Bryan D. Killikelly	26 Federal Plaza	212–264–1145
Atlanta, Ga. 30309	Stanley W. Prochaska	1718 Peachtree St. NW	404–526–5154
San Francisco, Calif. 94111	Ralph S. Cless	630 Sansome St	415–556–6464

Department of Agriculture
Agricultural Marketing Service
Livestock Division
Market News Areas

Area	Officer in Charge	Address	Telephone
Washington, D.C. 20250	Bruce B. Harding	14th and Independence Ave. SW	202–447–6231
Omaha, Nebr. 68107	Robert E. Jorgensen	Livestock Exchange Bldg	402–221–4636

Department of Agriculture
Agricultural Marketing Service
Livestock Division
Meat Grading Main Stations

Station	Supervisor	Address	Telephone
Bell, Calif. 90201	Charles T. Murphy	4747 Eastern Ave	213–268–1391
San Francisco, Calif. 94111	Martin A. Swingley	630 Sansome St	415–556–5815
Denver, Colo. 80216	Marvin K. Eilts	Livestock Exchange Bldg	303–837–4088 3366
Atlanta, Ga. 30309	Roy D. McDonald	1718 Peachtree St. NW	404–526–5158
Chicago, Ill. 60605	John Coplin	4101 South Halsted St	312–353–5751 5286
Sioux City, Iowa 51107	Edward F. Novak	Livestock Exchange Bldg	712–252–0259
South St. Paul, Minn. 55075	H. Michael Windham	236 North Concord St	612–725–7161
Cleveland, Ohio 44102	Lewis Lebakken	Livestock Exchange Bldg	216–522–4868
Kansas City, Mo. 64102	Richard W. Theobald	Livestock Exchange Bldg	816–374–5331
Omaha, Nebr. 68107	Andrew Rot	Livestock Exchange Bldg	402–221–4635
Newark, N.J. 07102	George Kablesh	Federal Office Bldg	201–645–3950
Amarillo, Tex. 79105	Doyle B. Oliver	Livestock Exchange Bldg	806–376–2262

Department of Agriculture
Agricultural Marketing Service
Poultry Division
Grading Branch

Region	Director	Address	Telephone
Philadelphia, Pa. 19106	James B. York	2d and Chestnut Sts	215–597–4554
Chicago, Ill. 60607	Dale H. Shearer	610 South Canal St	312–353–6226
Des Moines, Iowa 50309	Frank J. Santo	210 Walnut St	515–284–4581
San Francisco, Calif. 94111	Robert A. Dorsett	630 Sansome St	415–556–6488

Department of Agriculture
Agricultural Marketing Service
Tobacco Division

District	Supervisor	Address	Telephone
Raleigh, N.C. 27606	James W. Hill	407–411 Park Ave. Extension	919–755–4552
Lexington, Ky. 40504	Paul Essex	333 Waller Ave	606–252–2312 Ext. 2613

Department of Agriculture
Agricultural Marketing Service
Transportation and Warehouse Division

Region	Officer-in-Charge	Address	Telephone
Atlanta, Ga. 30309	Dudley T. Kirchner	1718 Peachtree Rd. NW	404–526–5924
Indianapolis, Ind. 46224	Harry J. Wishmire	5610 Crawfordsville Rd	317–633–8551
Minneapolis, Minn. 55415	John H. Comford	400 South 4th St	612–725–2825
Omaha, Nebr. 68102	Arthur L. Queck	206 South 19th St	402–221–4685 4660
Portland, Oreg. 97205	J. Gordon Shields	620 Southwest Main St	503–221–2188
Memphis, Tenn. 38103	George Harrison	167 North Main St	901–534–3838
Temple, Tex. 76501	Daniel M. Chapman	16–20 Main St	817–773–1281

Department of Agriculture
Agricultural Stabilization and Conservation Service

(Located at Department of Agriculture, South Bldg., 14th and Independence Ave. SW., Washington, D.C. 20250)

Region	Director	Address	Telephone
Eastern	Edward D. Hews	Room 3714	202–447–4746
East Central	(Vancancy)	Room 3721	202–447–3593
West Central	Howard Waters	Room 3709	202–447–3953
Western	Everett G. Rank	Room 3715	202–447–6941

Department of Agriculture
Agricultural Research Service

Region	Deputy Administrator	Address	Telephone
Beltsville, Md. 20705	Dr. Steven C. King	Agricultural Research Center, W	301–344–3418
Peoria, Ill. 61614	Earl R. Glover	2000 West Pioneer Pkwy	309–673–9577
New Orleans, La. 70153	Dr. Arthur W. Cooper	P.O. Box 53326	504–527–6753
Berkeley, Calif. 94705	Dr. H. Rex Thomas	2850 Telegraph Ave	415–486–3565 Ext. 431

Department of Agriculture
Commodity Exchange Authority

Region	Director	Address	Telephone
New York, N.Y. 10006	T. Reed McMinn	61 Broadway	212–264–1700
Chicago, Ill. 60604	Robert W. Clark	141 West Jackson Blvd	312–353–5990
Kansas City, Mo. 64112	Richard Kirchhoff	4800 Main St	816–374–2994

Department of Agriculture
Federal Crop Insurance Corporation

Region	Contract Service Center Director	Address	Telephone
Des Moines, Iowa 50309	Leroy S. Miller	210 Walnut St	515–284–4113
St. Paul, Minn. 55101	Lloyd B. Scheide	316 Robert St	612–725–7041
Indianapolis, Ind. 46224	Albert Dalton, Jr	5610 Crawfordsville Rd	317–633–8756
Bismarck, N. Dak. 58501	Harold G. Schonberger	220 East Rosser Ave	701–255–4214
Lewistown, Mont. 59457	John E. Reeves	613 Northeast Main St	406–538–5348
Lincoln, Nebr. 68508	Forrest H. Boerner	Federal Building	402–475–3548
Spokane, Wash. 99201	Leroy F. Knox	West 920 Riverside Ave	509–456–3763
Columbia, S.C. 29201	W. Otto Johnson	901 Sumter St	803–765–5743
Jackson, Miss. 39201	James S. Smith	200 South Lamar St	601–969–4328
Nashville, Tenn. 37203	J. Bruce Joyner	U.S. Courthouse	615–749–5591
Raleigh, N.C. 27601	W. G. Lane	310 New Bern Ave	919–755–4470
College Station, Tex. 77840	Ben A. Jordan, Jr	USDA Building	713–846–1391
Fresno, Calif. 93721	E. Kirk Harper	1130 O St	209–487–5079
Manhattan, Kans. 66502	Ralph C. Weed	2601 Anderson Ave	913–539–2379

Department of Agriculture

Food and Nutrition Service

Region	Administrator	Address	Telephone
Princeton, N.J. 08550	Wallace F. Warren	729 Alexander Rd	609–452–1200
Chicago, Ill. 60605	Dennis M. Doyle	536 South Clark St	312–353–6664
Atlanta, Ga. 30309	Russell H. James	1100 Spring St. NW	404–526–5131
Dallas, Tex. 75202	Martin D. Garber	1100 Commerce St	214–749–2877
San Francisco, Calif. 94108 (including Guam, American Samoa, and the Trust Territories of the Pacific)	Neill W. Freeman, Acting	550 Kearny St	415–556–4950

Department of Agriculture

Forest Service

Forest and Range Experiment Stations

Region	Director	Address	Telephone
Upper Darby, Pa. 19082	F. Bryan Clark, Acting	6816 Market St	215–352–5800
Asheville, N.C. 28802	Junior B. Hilmon	Post Office Bldg	704–254–0961
St. Paul, Minn. 55101	John H. Ohman	Folwel Ave	612–645–0841
New Orleans, La. 70113	John C. Barber	701 Loyola Ave	504–527–6787
Fort Collins, Colo. 80521	Karl F. Wenger	240 West Prospect St	303–482–7332
Ogden, Utah 84401	Roger Bay	507 25th St	801–399–6361
Portland, Oreg. 97208	Robert E. Buckman	809 Northeast 6th Ave	503–234–3361
Berkeley, Calif. 94701	Robert W. Harris	1960 Addison St	415–841–5121

Department of Agriculture

Forest Service

National Forest System

Region	Regional Forester	Address	Telephone
Missoula, Mont. 59801	Steve Yurich	Federal Bldg	406–549–6511
Denver, Colo. 80225	William J. Lucas	Federal Center	303–234–3131
Albuquerque, N. Mex. 87101	William D. Hurst	517 Gold Ave. SW	505–766–2401
Ogden, Utah 84401	Vernon O. Hamre	Federal Bldg	801–399–6011
Milwaukee, Wis. 53203	Jay H. Cravens	633 West Wisconsin Ave	414–224–3693
Atlanta, Ga. 30309	F. Leroy Bond	1720 Peachtree Rd. NW	404–526–5177
Portland, Oreg. 97208	Theodore A. Schlapfer	319 Southwest Pine St	503–221–3625
San Francisco, Calif. 94111	Douglas R. Leisz	630 Sansome St	415–556–4310
Juneau, Alaska 99801	C. A. Yates	Federal Office Bldg	907–586–7263

Department of Agriculture

Forest Service

State and Private Forestry

Region	Deputy Regional Forester	Address	Telephone
Missoula, Mont. 59801	LeRoy Jones	Federal Bldg	406–549–3651
Denver, Colo. 80225	Sidney H. Hanks	Federal Center	303–234–4321
Albuquerque, N. Mex. 87101	Thomas G. Schmeckpeper	517 Gold Ave. SW	505–766–2446
Ogden, Utah 84401	Maclin C. Galbraith	324 25th St	801–399–6241
San Francisco, Calif. 94111	John A. Vance	630 Sansome St	415–556–4815
Portland, Oreg. 97208	Frank J. Kopecky	319 Southwest Pine St	503–221–2177
Upper Darby, Pa. 19082	Robert D. Raisch, Area Director	6816 Market St	215–352–5800
Atlanta, Ga. 30309	Sidney Weitzman, Area Director	1720 Peachtree Rd. NW	404–526–5964
Juneau, Alaska 99801	Robert C. Jones	Federal Office Bldg	907–586–7259

Department of Agriculture

Office of the General Counsel

Region	Regional Attorney	Address	Telephone
Atlanta, Ga. 30309	Fred W. Harris, Jr	1371 Peachtree St. NE	404–526–5161
Chicago, Ill. 60606	Gilbert A. Horn	300 South Wacker Dr	312–353–5640
Denver, Colo. 80211	John C. Banks	2940 West 26th Ave	303–837–4031
Harrisburg, Pa. 17108	D. Charles Valsing	228 Walnut St	717–782–3713
Portland, Oreg. 97204	Arno Reifenberg	319 Southwest Pine St	503–221–3115
San Francisco, Calif. 94111	Wilbur W. Jennings	630 Sansome St	415–556–4532
Shawnee Mission, Kans. 66208	Robert Hoffman	Brymar Bldg	816–926–6475
Temple, Tex. 76501	Alfred F. Herbelin	3914 South General Bruce Dr	817–773–1204

Department of Agriculture

Office of Investigation

Region	Acting Regional Directors	Address	Telephone
New York, N.Y. 10007	Calvin S. Pfeffer	26 Federal Plaza	212–264–8400
Hyattsville, Md. 20782	Tom L. Lambert	422 Federal Center Bldg	301–436–8850
Atlanta, Ga. 30309	Herman P. Giehm	1447 Peachtree St. NE	404–526–5377
Chicago, Ill. 60606	William D. Parker	1 North Wacker Dr	312–353–1358
Temple, Tex. 76501	P. H. Czarowitz	3912 South General Bruce Dr	817–773–1351
Kansas City, Mo. 64141	Ronald C. Reese	P.O. Box 205	816–926–6611
San Francisco, Calif. 94111	David Fike	555 Battery St	415–556–6443

Department of Agriculture

Packers and Stockyards Administration

Region	Area Supervisor	Address	Telephone
Arlington, Va. 22209	Thomas C. Harris	1621 North Kent St	703–235–8662
Atlanta, Ga. 30309	Griffin E. Bonham	1720 Peachtree St. NW	404–526–5845
Denver, Colo. 80216	Melvin E. Holmquist	208 Livestock Exchange Bldg	303–837–3312
Fort Worth, Tex. 76102	Marion L. Marshall	819 Taylor St	817–334–3286
Indianapolis, Ind. 46227	Samuel P. Tuggle, Jr	537 Turtle Creek, South Dr	317–633–7611
Kansas City, Mo. 64102	Vern A. Swader	828 Livestock Exchange Bldg	816–374–2368
Lawndale, Calif. 90260	Calvin W. Watkins	15000 Aviation Blvd	213–536–6687 6688
Memphis, Tenn. 38103	Kenneth F. Grizzell	167 North Main St	901–534–3414
New Brunswick, N.J. 08902	C. S. Smebakken	525 Milltown Rd	201–846–4261 4262/4263 4264
Omaha, Nebr. 68107	Quentin H. Bierman	435 Livestock Exchange Bldg	402–221–4638
Portland, Oreg. 97223	J. Merlin Hoskin	9370 Southwest Greenburg Rd	503–221–2687
South St. Paul, Minn. 55075	Leo J. Waller	208 Post Office Bldg	612–725–7815
Springfield, Ill. 62706	C. DeWayne Crawford	Emmerson Building Annex, State Fairgrounds	217–525–4353

Department of Agriculture

Rural Electrification Administration

(Located at Department of Agriculture, South Bldg., 14th and Independence Ave. SW., Washington, D.C. 20250)

Service	Assistant Administrator	Address	Telephone
Electric Areas	David H. Askegaard	Room 4056	202–447–6237
Telephone Areas	Raymond Ballard	Room 4048	202–447–4305

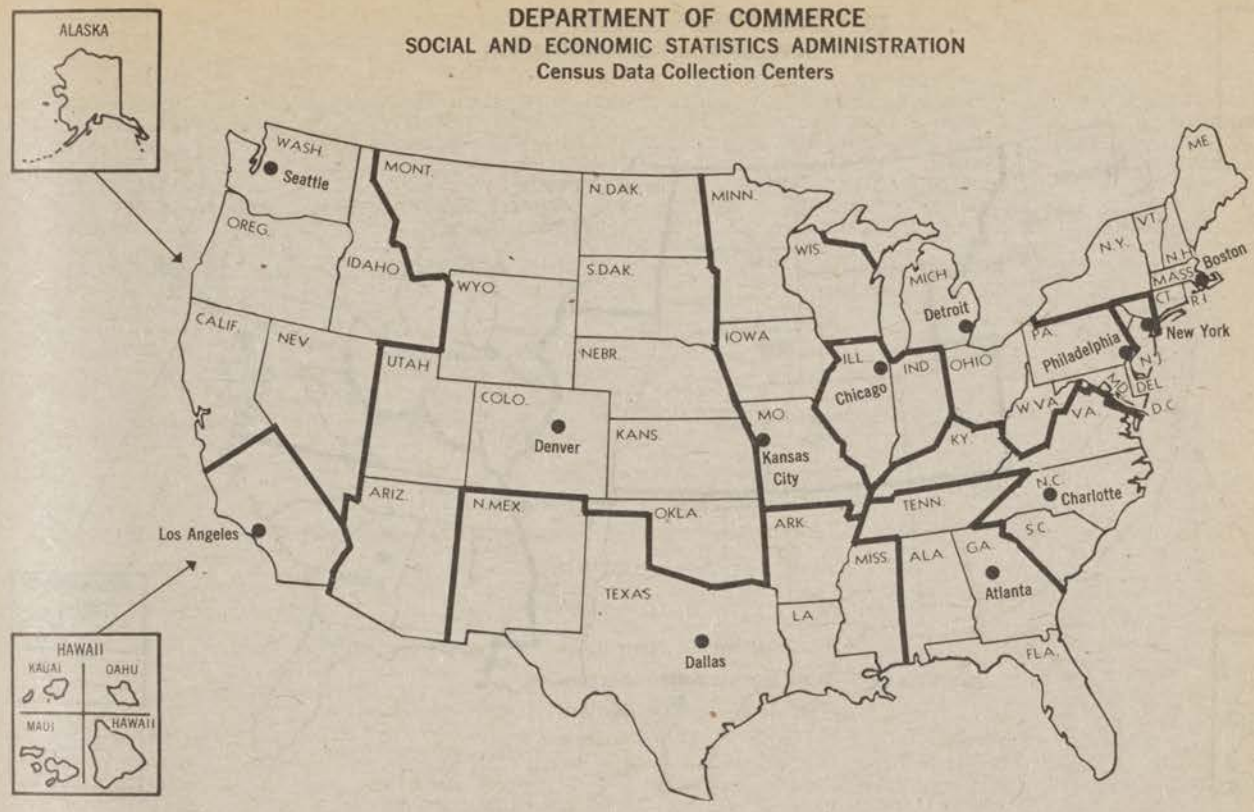
Department of Agriculture

Soil Conservation Service

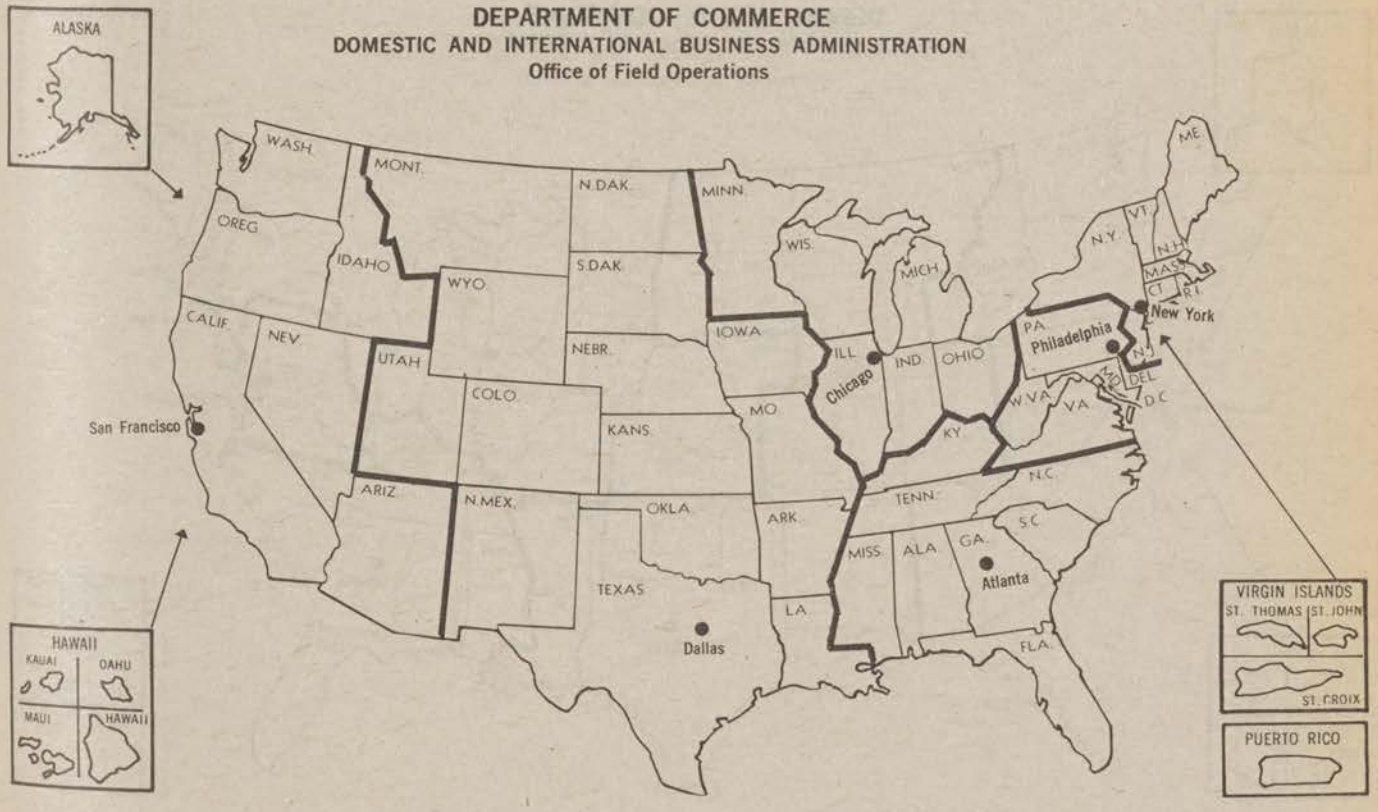
Technical Service Centers

Region	Director	Address	Telephone
Lincoln, Nebr. 68508	Keith F. Myers	134 South 12th St	402–475–3371
Portland, Oreg. 97209	Kenneth L. Williams	511 Northwest Broadway	503–221–2824
Upper Darby, Pa. 19082	Albert C. Addison	7600 West Chester Pike	215–352–5800, Ext. 333
Fort Worth, Tex. 76110	William L. Vaught	Federal Center	817–334–5456

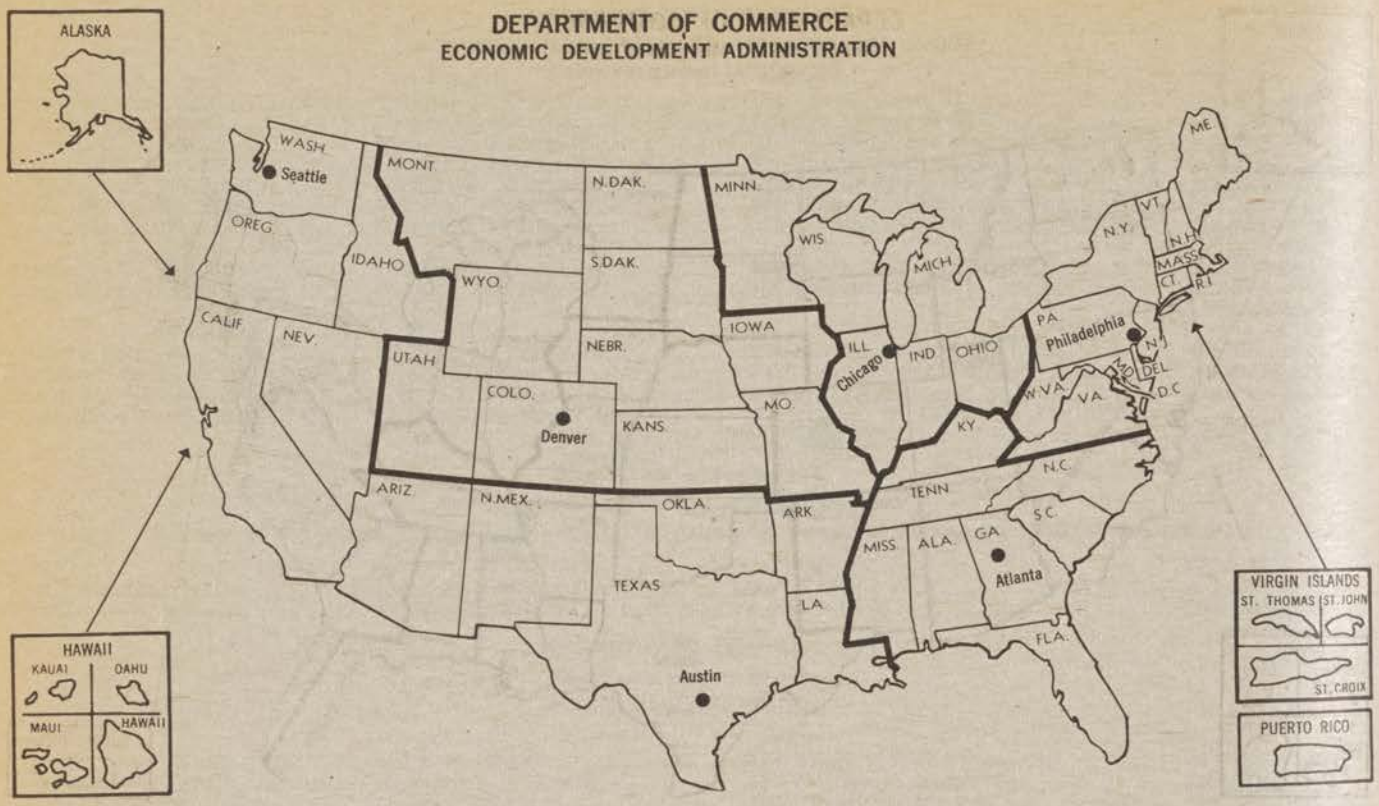
DEPARTMENT OF COMMERCE
SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION
Census Data Collection Centers



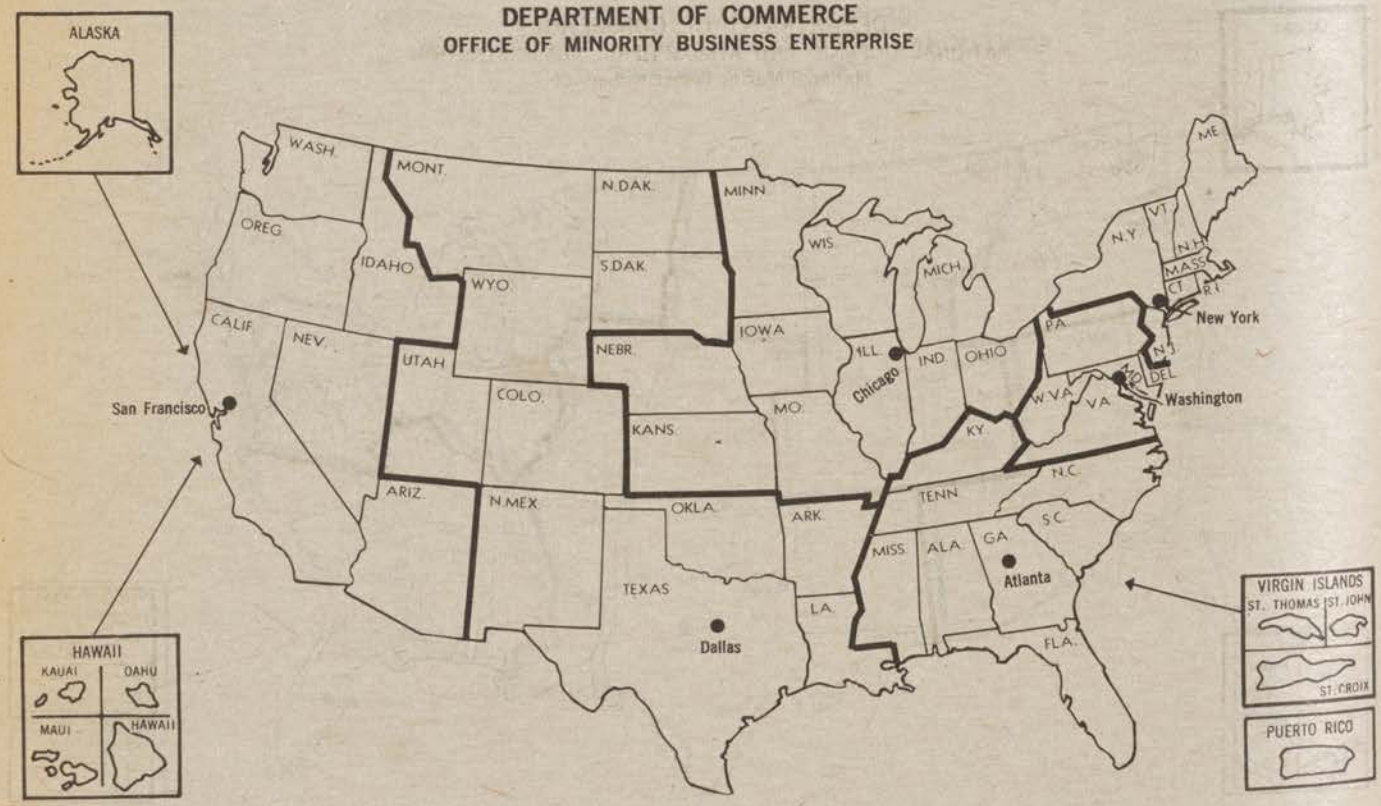
DEPARTMENT OF COMMERCE
DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Office of Field Operations



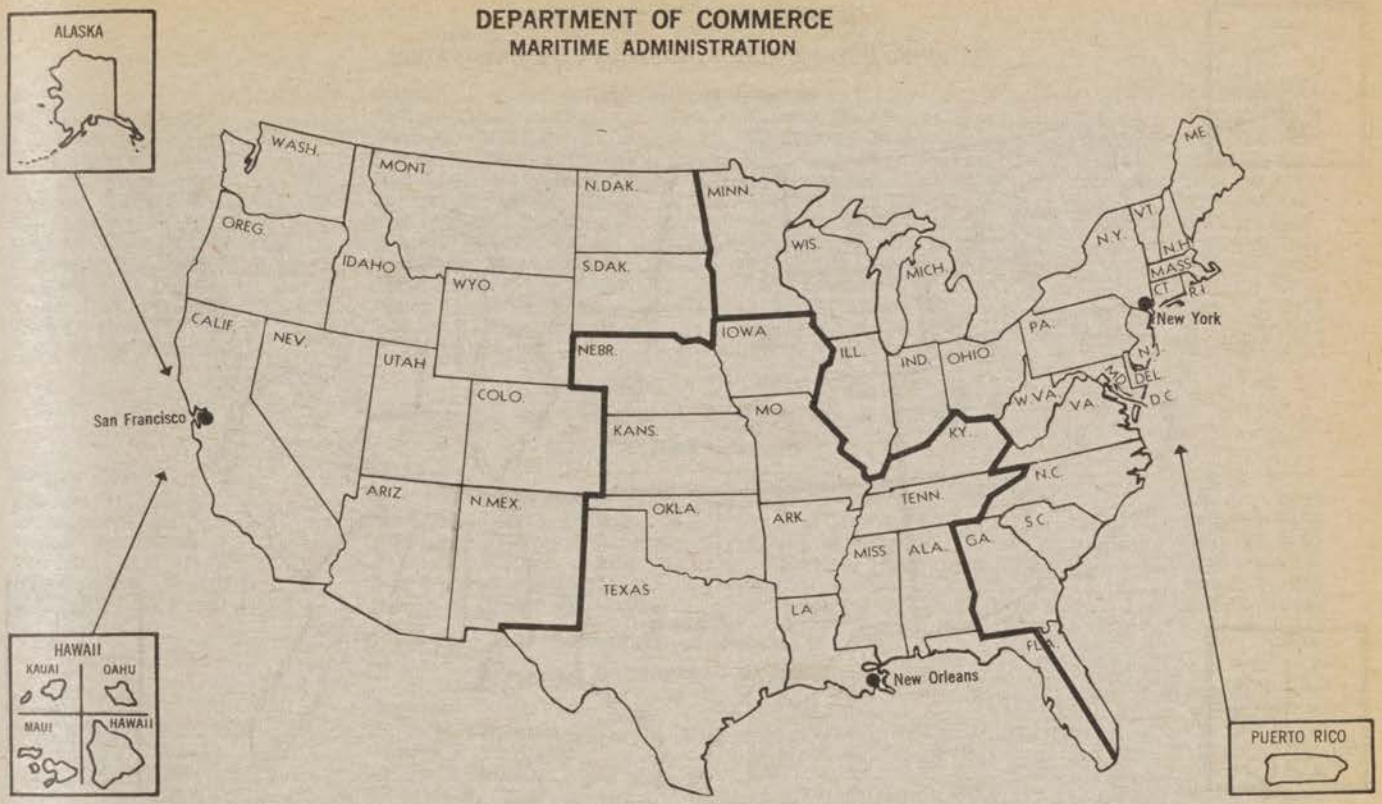
DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION



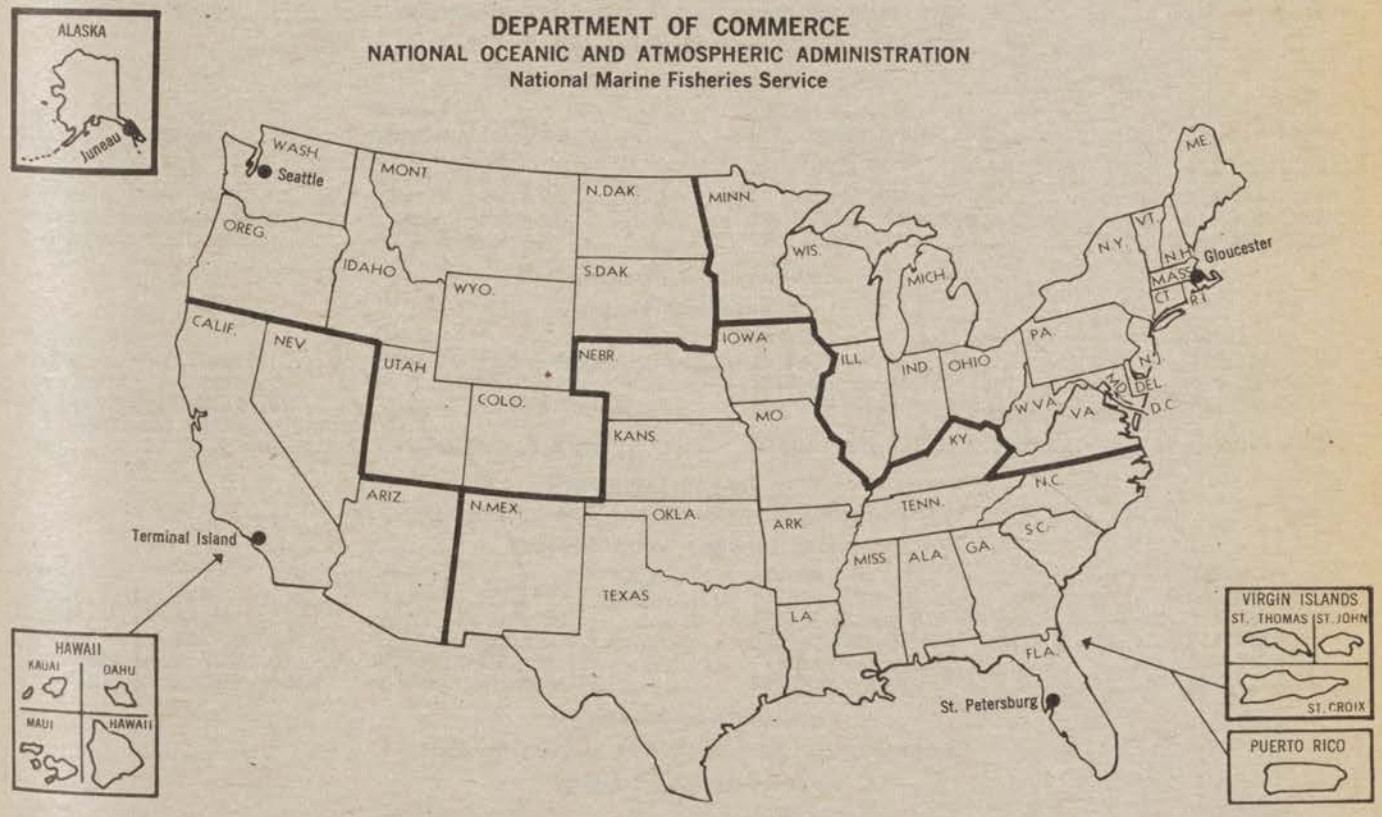
DEPARTMENT OF COMMERCE
OFFICE OF MINORITY BUSINESS ENTERPRISE

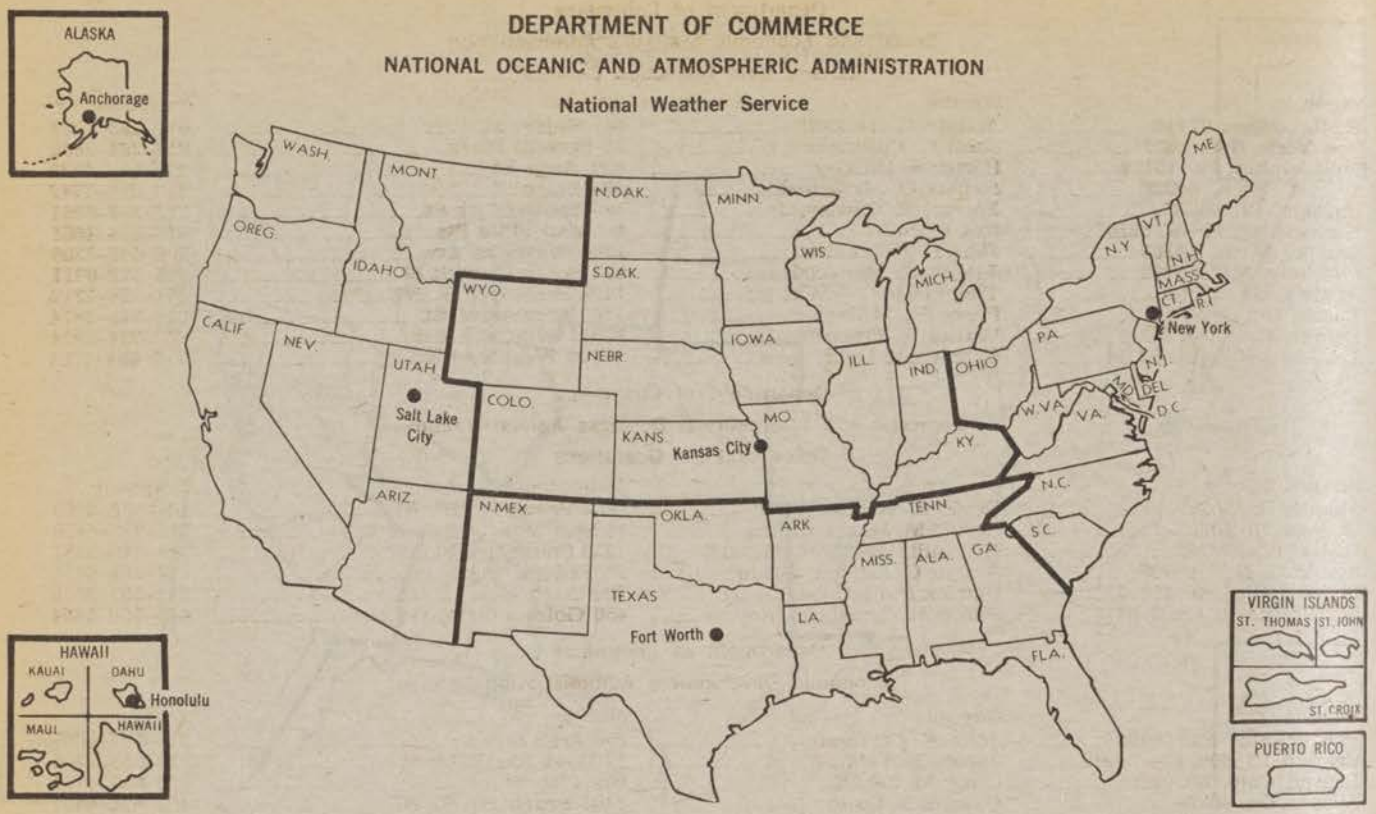


DEPARTMENT OF COMMERCE
MARITIME ADMINISTRATION



DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
National Marine Fisheries Service




DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
National Weather Service
ALASKA
Anchorage
HAWAII
KAUAI
OAHU
Honolulu
MAUI
HAWAII
WASH.
MONT.
N.DAK.
MINN.
OREG.
IDAHO
WYO.
S.DAK.
WIS.
MICH.
ME.
VT.
N.Y.
N.H.
MASS.
CT.
R.I.
New York
CALIF.
NEV.
UTAH
Salt Lake City
COLO.
NEBR.
IOWA
ILL.
IND.
OHIO
PA.
N.J.
MD.
DEL.
D.C.
W.VA.
VA.
KANS.
MO.
Kansas City
KY.
ARIZ.
N.MEX.
OKLA.
ARK.
TENN.
N.C.
S.C.
MISS.
ALA.
GA.
TEXAS
Fort Worth
LA.
FLA.
VIRGIN ISLANDS
ST. THOMAS
ST. JOHN
ST. CROIX
PUERTO RICO

Department of Commerce
Social and Economic Statistics Administration
Census Data Collection Centers

Region	Director	Address	Telephone
Boston, Mass. 02116	Arthur G. Dukakis	441 Stuart St	617–223–2327
New York, N.Y. 10007	John C. Cullinane	26 Federal Plaza	212–264–3860
Philadelphia, Pa. 19106	Porter S. Rickley	600 Arch St	215–597–4920
Detroit, Mich. 48226	Robert G. McWilliam	234 State St	313–226–7742
Chicago, Ill. 60605	Forrest P. Cawley, Jr	536 South Clark St	312–353–6251
Kansas City, Kans. 66101	Rex L. Pullin	4th and State Sts	816–374–4601
Seattle, Wash. 98109	John E. Tharaldson	1700 Westlake Ave	206–442–7800
Charlotte, N.C. 28202	Joseph R. Norwood	222 South Church St	704–372–0711
Atlanta, Ga. 30309	Thomas W. McWhirter	1401 Peachtree St. NE	404–526–5318
Dallas, Tex. 75202	Percy R. Millard	1100 Commerce St	214–749–2814
Denver, Colo. 80225	Walter A. Freeman, Jr	11011 West 6th Ave	303–234–3924
Los Angeles, Calif. 90024	C. Michael Long	11000 Wilshire Blvd	213–824–7291

Department of Commerce
Domestic and International Business Administration
Office of Field Operations

Regional Office	Director	Address	Telephone
Atlanta, Ga. 30309	David S. Williamson	1401 Peachtree St. NE	404–526–6000
Chicago, Ill. 60603	Gerald M. Marks, Acting	55 East Monroe St	312–353–4450
Dallas, Tex. 75202	H. Phillip Hubbard, Acting	1100 Commerce St	214–749–3287
New York, N.Y. 10007	Arthur C. Rutzen, Acting	26 Federal Plaza	212–264–0634
Philadelphia, Pa. 19107	Patrick P. McCabe	600 Arch St	215–597–2850
San Francisco, Calif. 94102	Philip M. Creighton, Acting	450 Golden Gate Ave	415–556–5864

Department of Commerce
Economic Development Administration

Regional Office	Director	Address	Telephone
Philadelphia, Pa. 19106	John E. Corrigan	600 Arch St	215–597–4603
Chicago, Ill. 60601	James E. Peterson	32 West Randolph St	312–353–7706
Denver, Colo. 80202	Craig M. Smith	909 17th St	303–837–4714
Atlanta, Ga. 30309	Charles E. Oxley	1401 Peachtree St. NE	404–526–6401
Austin, Tex. 78701	Joseph B. Swanner	702 Colorado St	512–397–5461
Seattle, Wash. 98109	C. Mark Smith	1700 Westlake Ave	206–442–0596

Department of Commerce
Office of Minority Business Enterprise

Region	Director	Address	Telephone
Atlanta, Ga. 30309	Charles McMillan	1371 Peachtree St. NE	404–526–5091
Chicago, Ill. 60603	John L. Smith	55 East Monroe	312–353–8375
Dallas, Tex. 75202	Henry Zuniga	1412 Main St	214–749–7587
New York, N.Y. 10007	Newton Downing	26 Federal Plaza	212–264–3262
San Francisco, Calif. 94102	Raymon Romero	450 Golden Gate Ave	415–556–7234
Washington, D.C. 20230	Allan Stephenson	1730 K St. NW	202–634–7897

Department of Commerce
Maritime Administration

Regional Office	Director	Address	Telephone
New York, N.Y. 10007	Capt. Thomas A. King	26 Federal Plaza	212–264–1300
New Orleans, La. 70152	F. X. McNerney	701 Loyola Ave	504–527–6556
San Francisco, Calif. 94102	Thomas J. Patterson, Jr	450 Golden Gate Ave	415–556–3816
U.S. Merchant Marine Academy	Adm. Arthur B. Engel	Kings Point, L.I., N.Y. 11024	516–482–8200

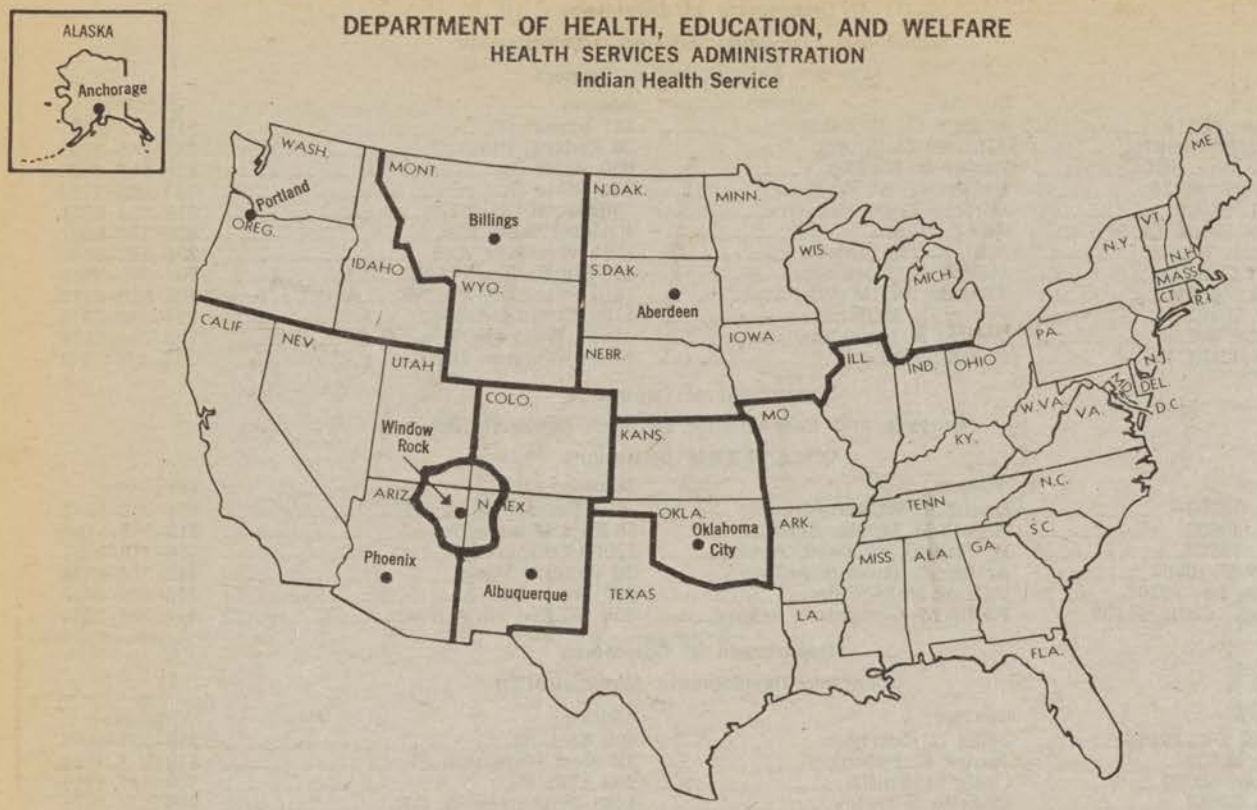
Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

Region	Director	Address	Telephone
Juneau, Alaska 99801	Harry L. Rietze	709 West 9th St	907–586–7221
Seattle, Wash. 98109	Donald R. Johnson	1700 Westlake Ave. North	206–442–7575
St. Petersburg, Fla. 33702	William Stevenson	9450 Gandy Blvd	813–893–3144
Gloucester, Mass. 01930	Russell T. Norris	14 Elm St	617–281–0640
Terminal Island, Calif. 90731	Gerald V. Howard	300 South Ferry St	213–831–9575

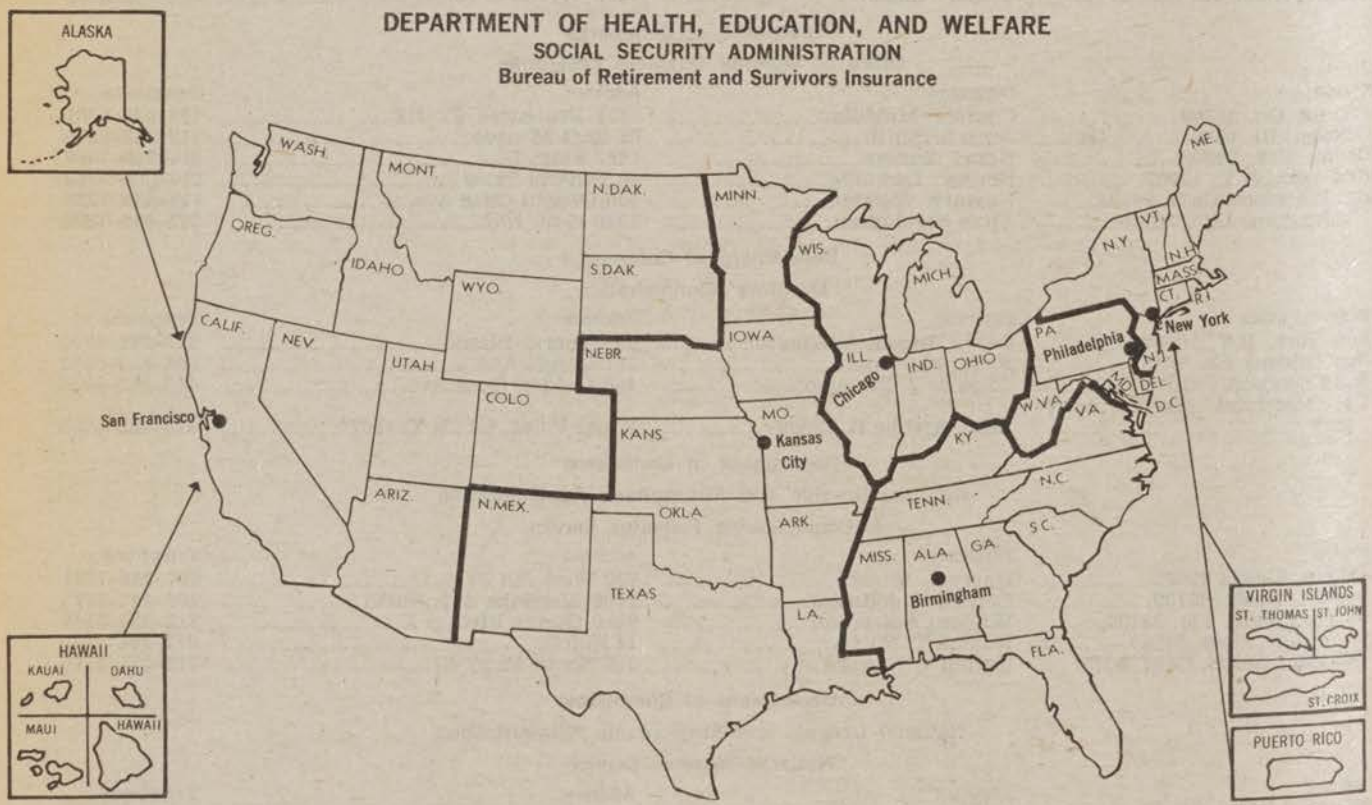
Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service

Region	Director	Address	Telephone
New York, N.Y. 11530	Salvio G. Simplicio	585 Stewart Ave	212–995–8633
Fort Worth, Tex. 76102	Lawrence Mahar	819 Taylor St	817–334–2657
Kansas City, Mo. 64106	Charles G. Knudsen	601 East 12th St	816–374–3029
Salt Lake City, Utah 84111	Hazen H. Bedke	125 South State St	801–524–4005
Anchorage, Alaska 99501	Stuart G. Bigler	632 6th Ave	907–265–4701
Honolulu, Hawaii 96813	Charles Woffinden	1149 Bethel St	808–546–5680

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
HEALTH SERVICES ADMINISTRATION
Indian Health Service



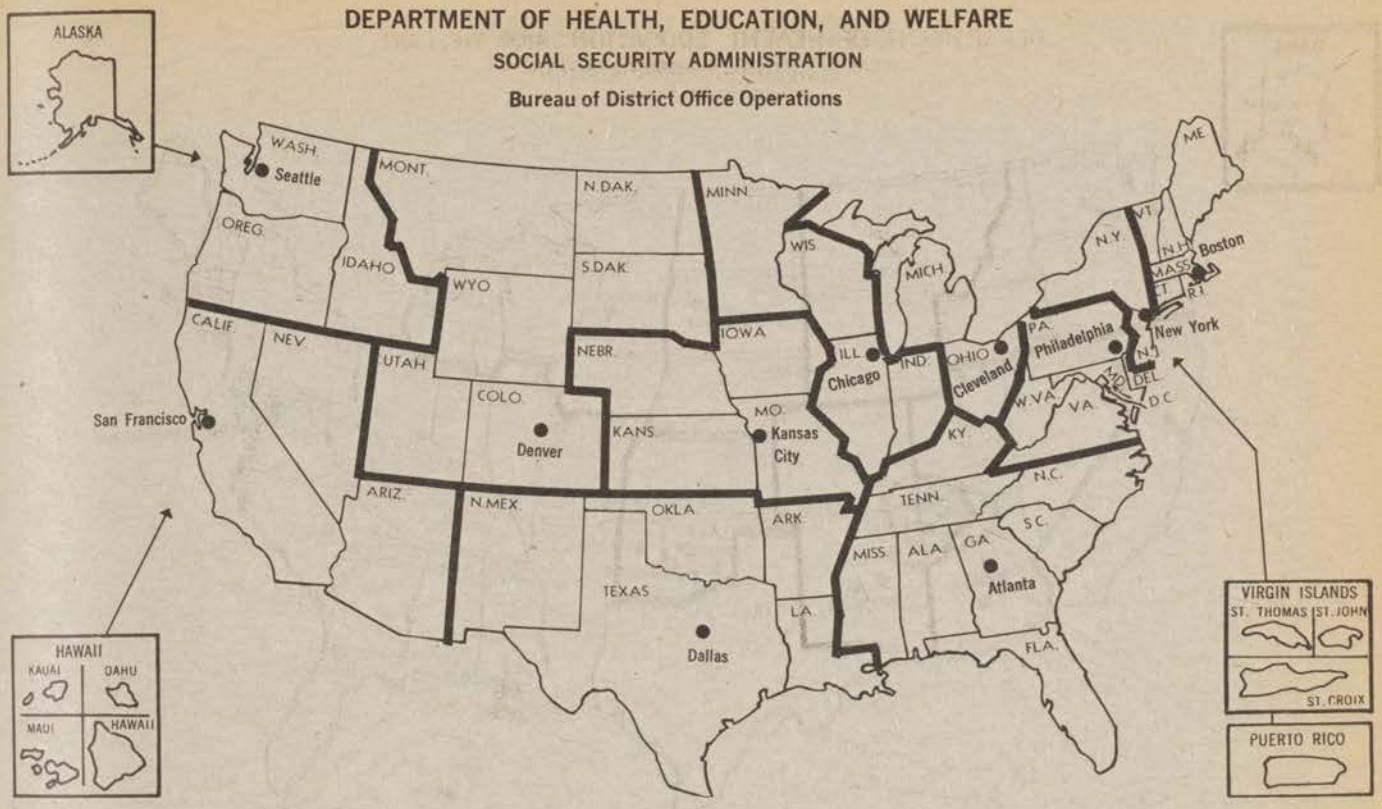
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION
Bureau of Retirement and Survivors Insurance



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SOCIAL SECURITY ADMINISTRATION

Bureau of District Office Operations



Department of Health, Education, and Welfare

Health Services Administration

Indian Health Service

Area office	Director	Address	Telephone
Anchorage, Alaska 99510	John F. Lee, M.D.	P.O. Box 7741	907–279–6661
Aberdeen, S. Dak. 57401	Robert Drew	115 4th Ave. SE	605–225–7581
Albuquerque, N. Mex. 87101	Kazumi Kasuga, M.D.	500 Gold Ave. SW	505–766–2151
Billings, Mont. 59103	Jim Smith	37th St. West	406–245–6403
Oklahoma City, Okla. 73102	John Davis	Old Post Office and Court House Bldg.	405–231–4796
Phoenix, Ariz. 85104	Charles McCammon, M.D.	801 East Indian School	602–261–3143
Portland, Oreg. 97205	Charles S. Stitt, Jr	921 Southwest Washington St	503–221–2020
Window Rock, Ariz. 86515	Marlene Haffner, M.D., Acting	P.O. Box G	602–871–5811

Department of Health, Education, and Welfare

Social Security Administration

Bureau of Retirement and Survivors Insurance

Region	Representative	Address	Telephone
Flushing, N.Y. 11368	Pasquale F. Caliguiri	9605 Horace Harding Expy	212–699–3760
Philadelphia, Pa. 19108	Edmond J. Sabatini	401 North Broad St	215–597–2831
Birmingham, Ala. 35285	Ellsworth J. Listerman	3d Ave. and 23d St. N	205–325–3530
Chicago, Ill. 60606	Julius Berman	165 North Canal St	312–353–4800
Kansas City, Mo. 64106	Joseph A. White	601 East 12th St	816–374–5312
San Francisco, Calif. 94101	Walter Baum	P.O. Box 100	415–556–3497

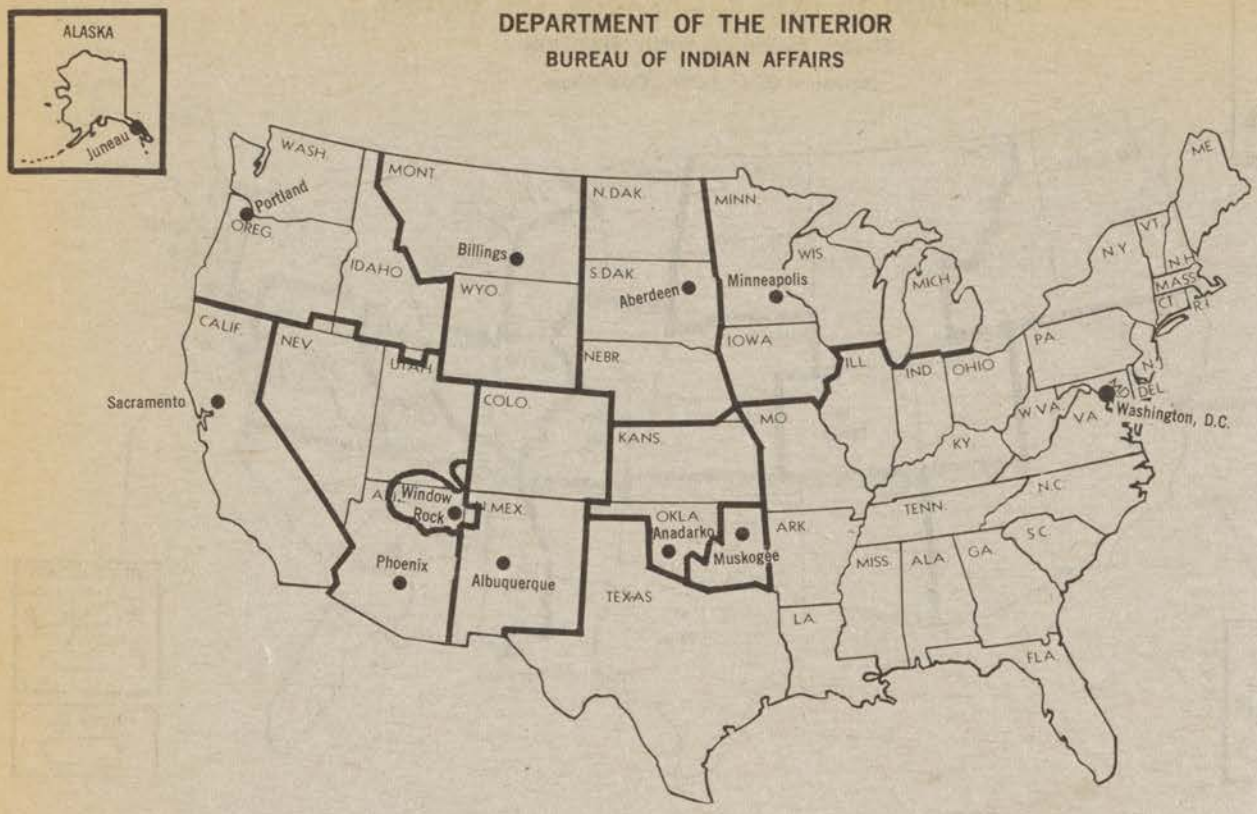
Department of Health, Education, and Welfare

Social Security Administration

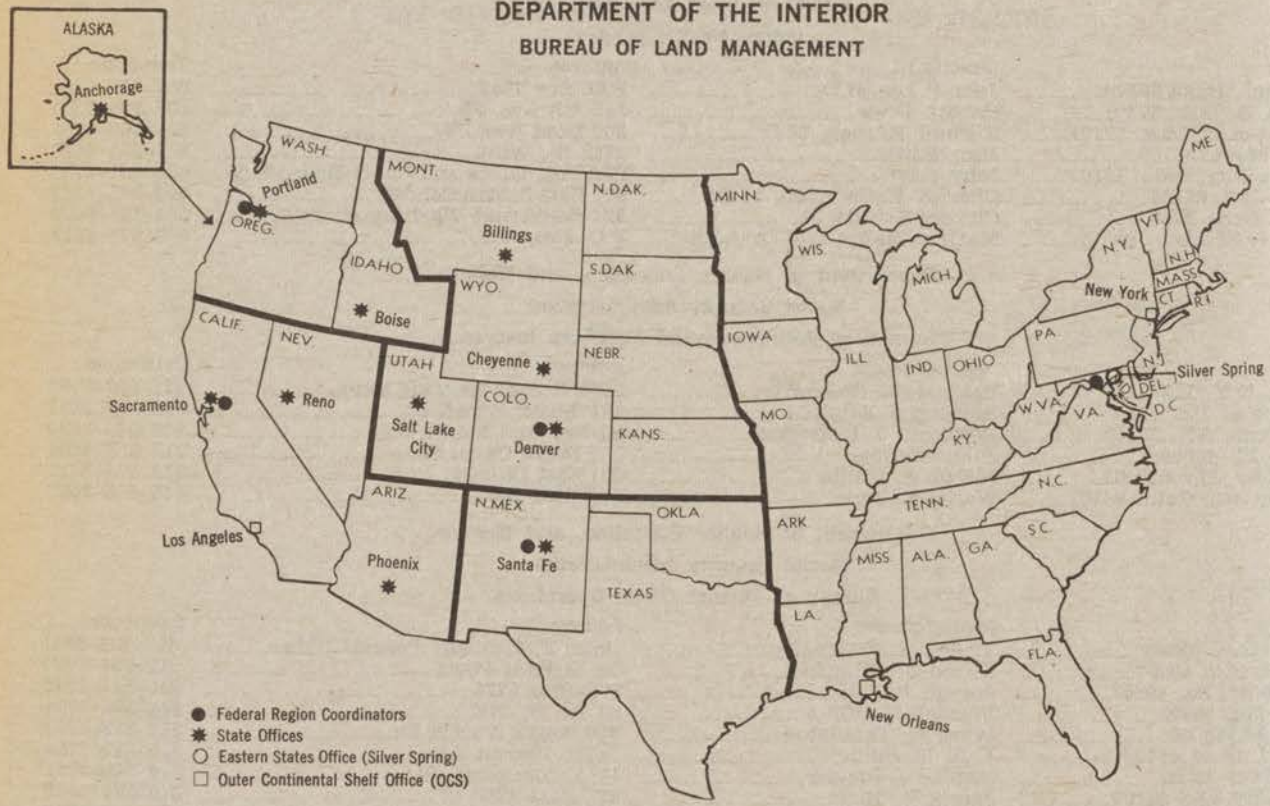
Bureau of District Office Operations

Region	Representative	Address	Telephone
Boston, Mass. 02203	Phillip J. Di Benedetto	John F. Kennedy Federal Bldg	617–223–6651
New York, N.Y. 10007	Alfred J. Francfort	26 Federal Plaza	212–264–4000
Philadelphia, Pa. 19101	Joseph J. Tighe	P.O. Box 8788	215–597–1515
Atlanta, Ga. 30323	Wardell K. White	50 7th St. NE	404–526–5034
Chicago, Ill. 60606	Ware H. Pendleton	300 South Wacker Dr	312–353–5200
Cleveland, Ohio 44107	Paul D. Snider	14725 Detroit Ave	216–522–3794
Dallas, Tex. 75202	Eugene J. Riegler	1114 Commerce St	214–749–3711
Kansas City, Mo. 64106	James R. Haas	601 East 12th St	816–374–5506
Denver, Colo. 80202	R. Thomas Williams	19th and Stout Sts	303–837–4008
San Francisco, Calif. 94102	Thomas P. Hart	50 Fulton St	415–556–5600
Seattle, Wash. 98101	Carroll D. Ferguson	1321 2d Ave	206–442–0565

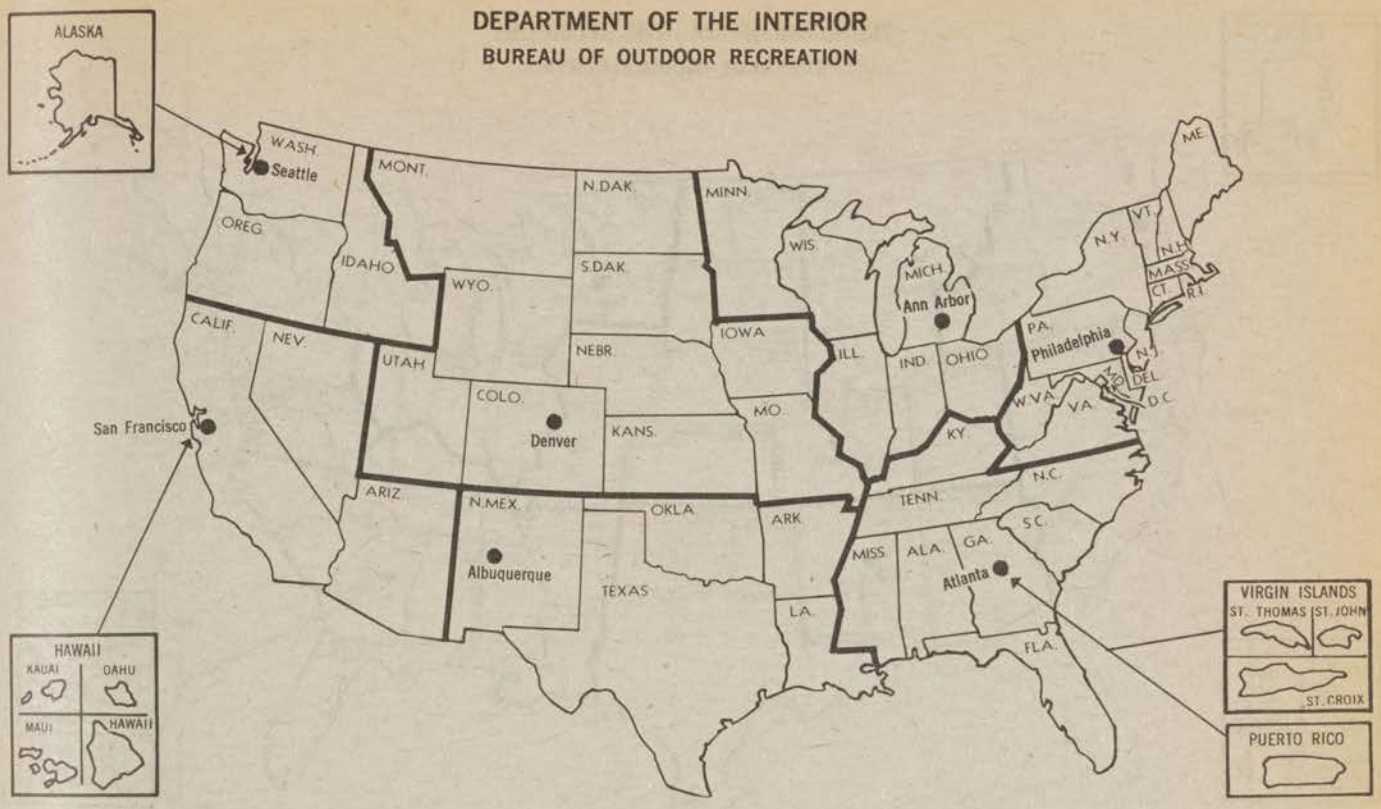
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS



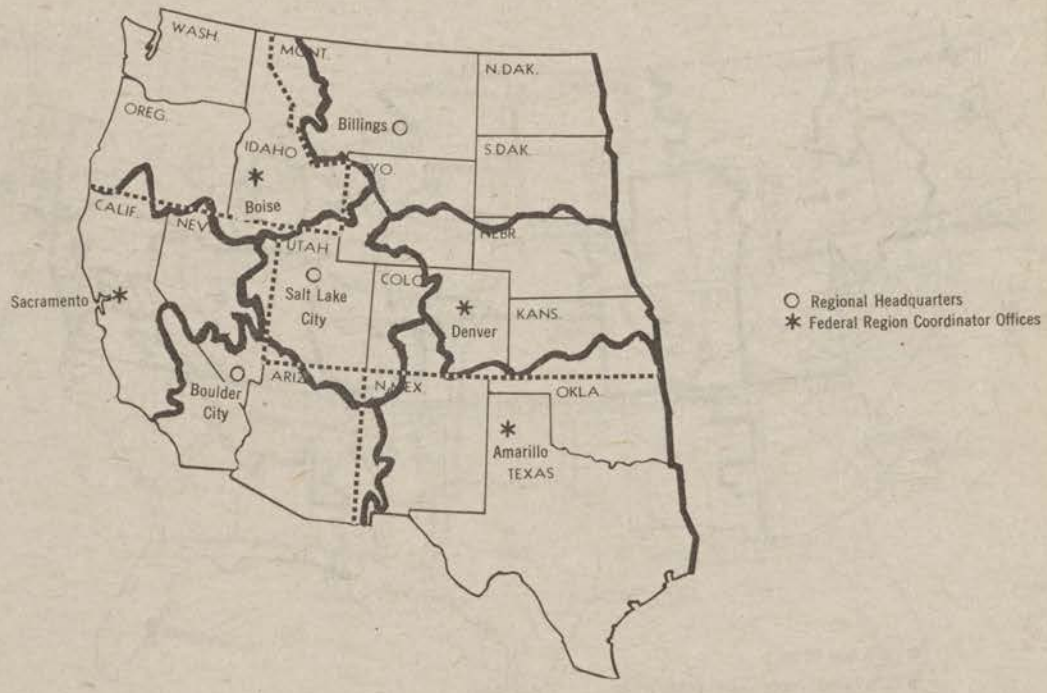
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT



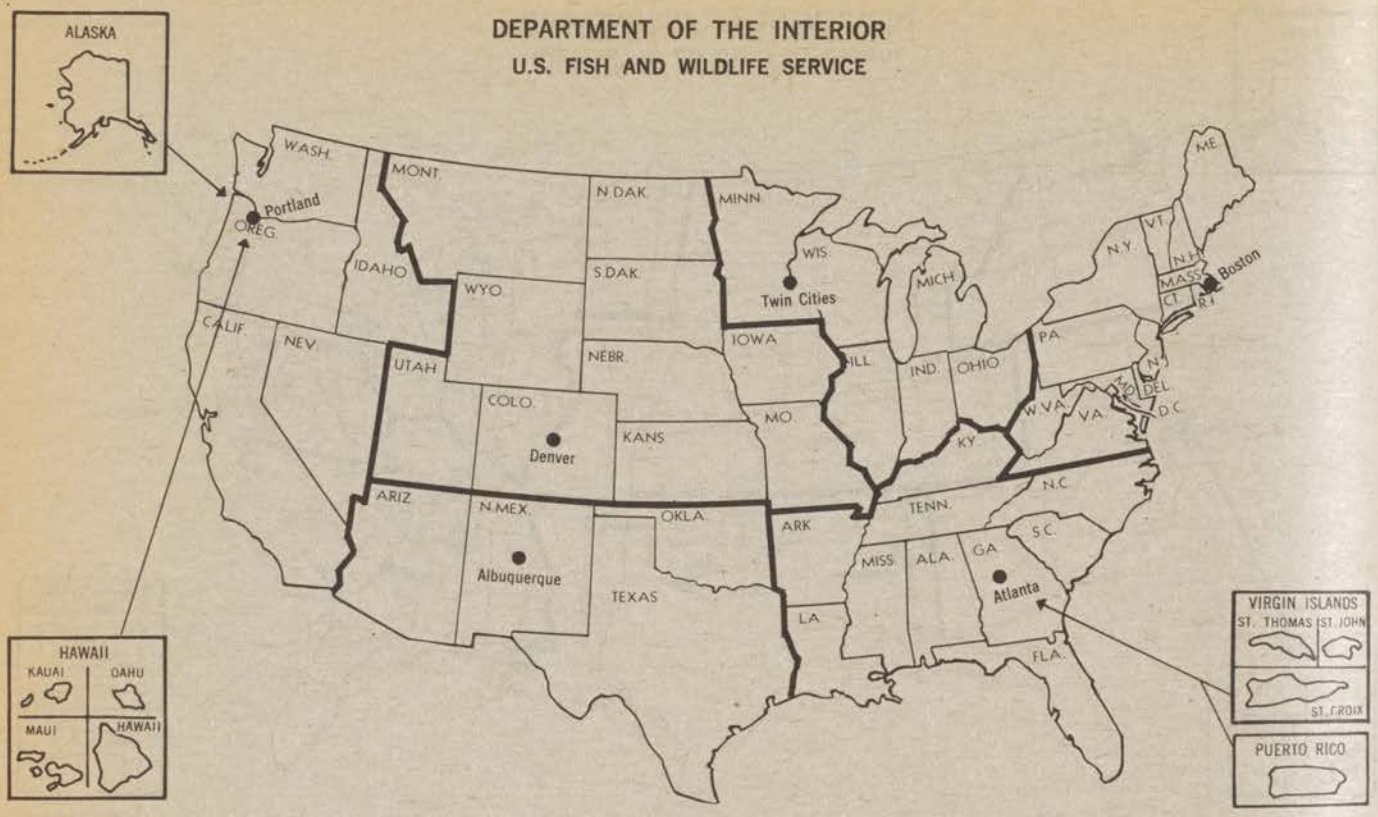
DEPARTMENT OF THE INTERIOR
BUREAU OF OUTDOOR RECREATION



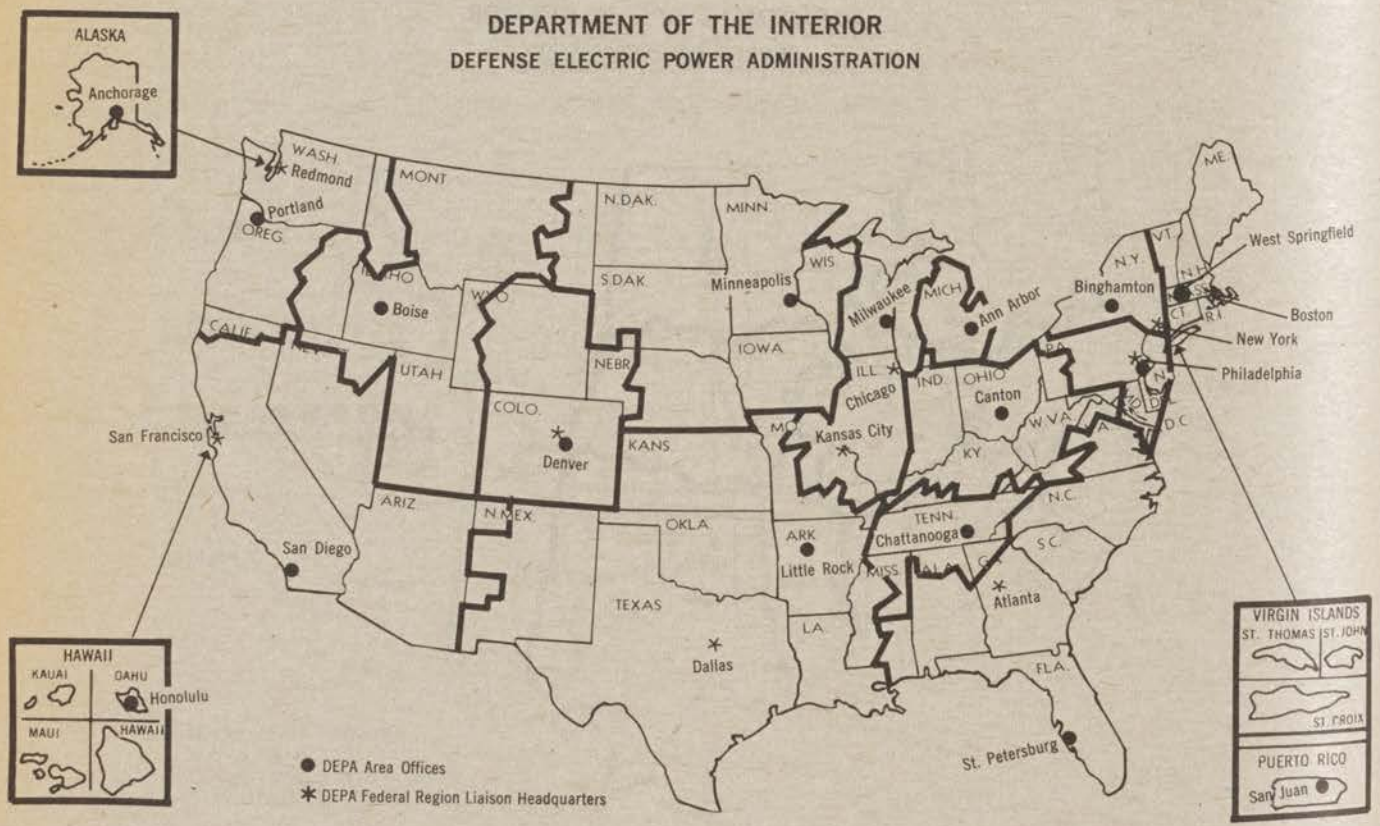
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION



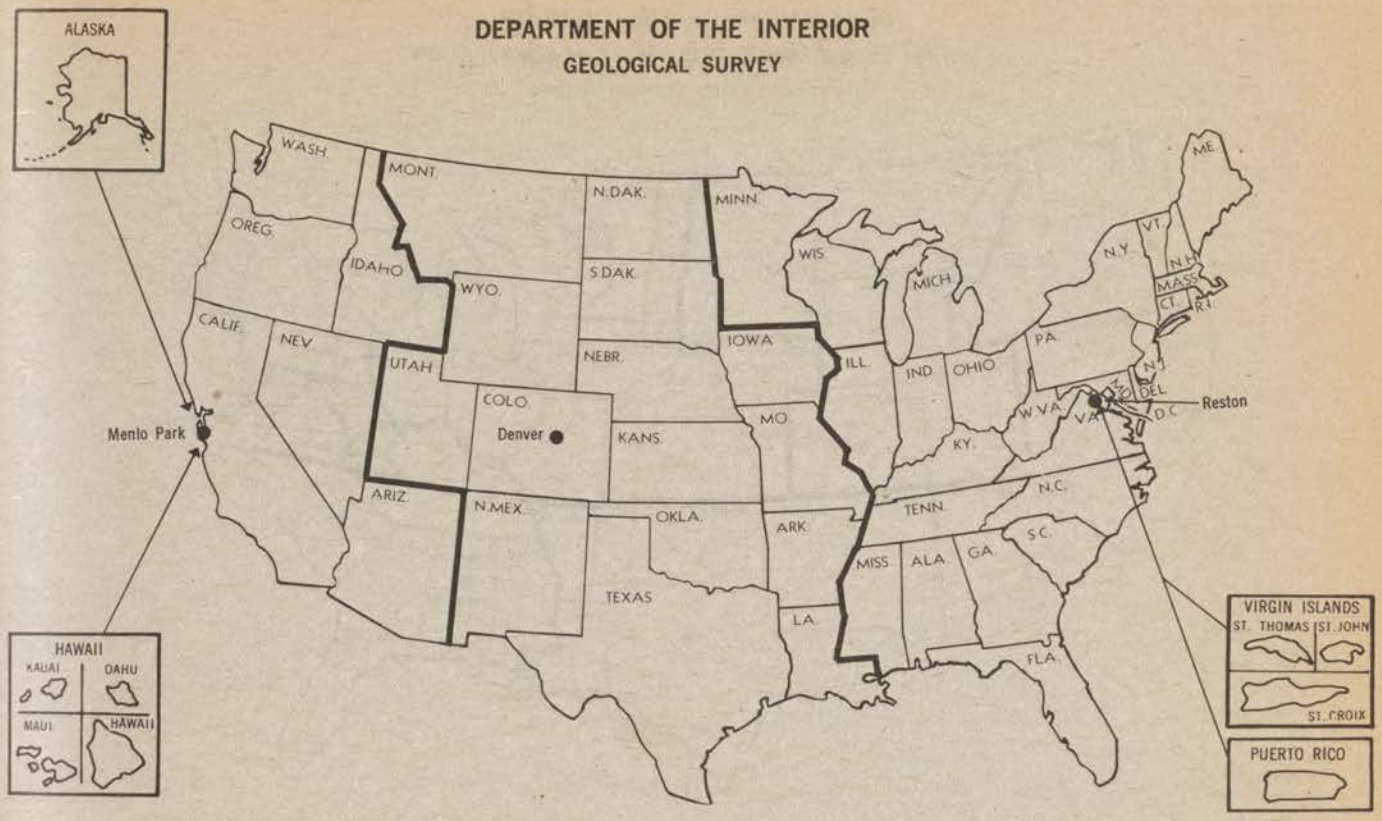
DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE



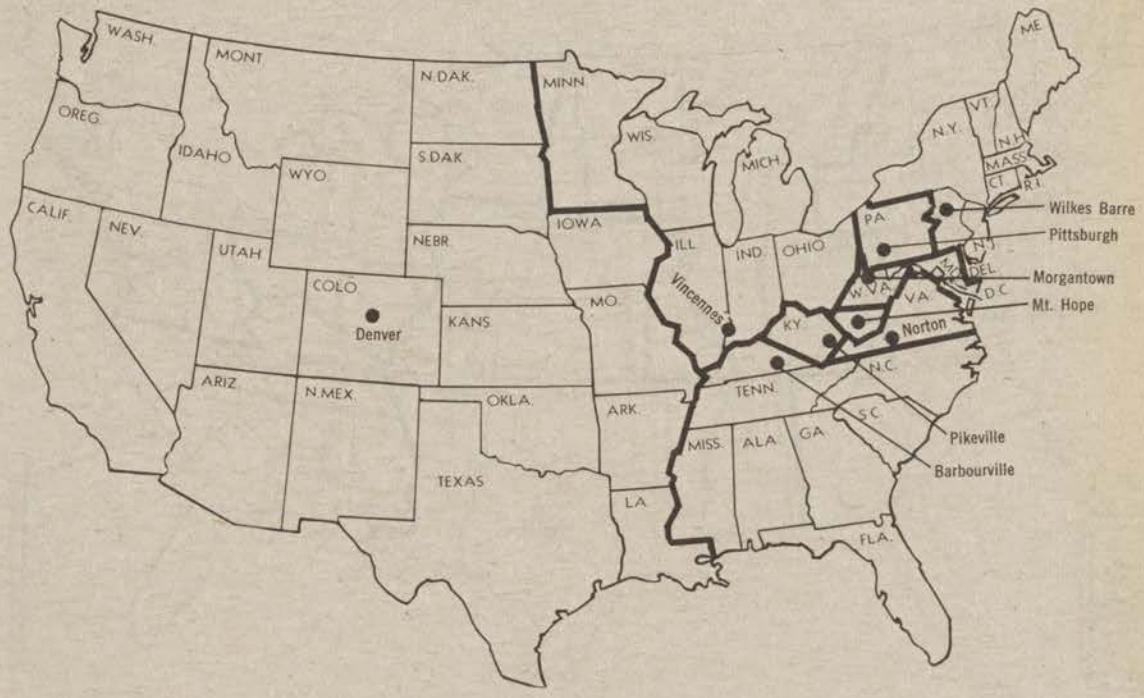
DEPARTMENT OF THE INTERIOR
DEFENSE ELECTRIC POWER ADMINISTRATION



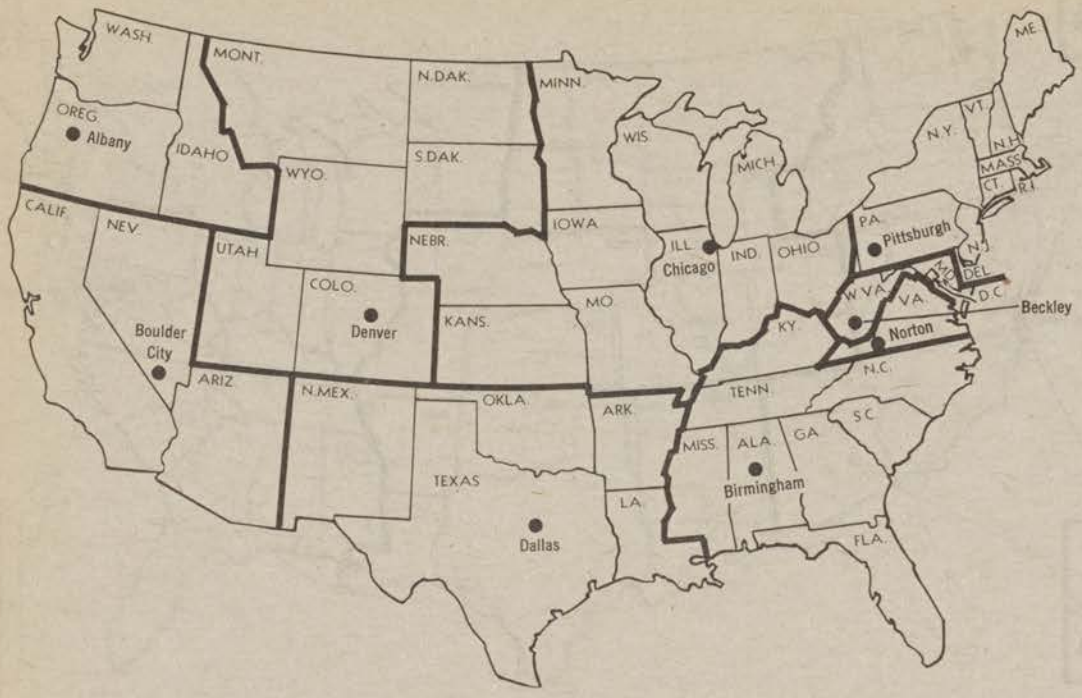
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



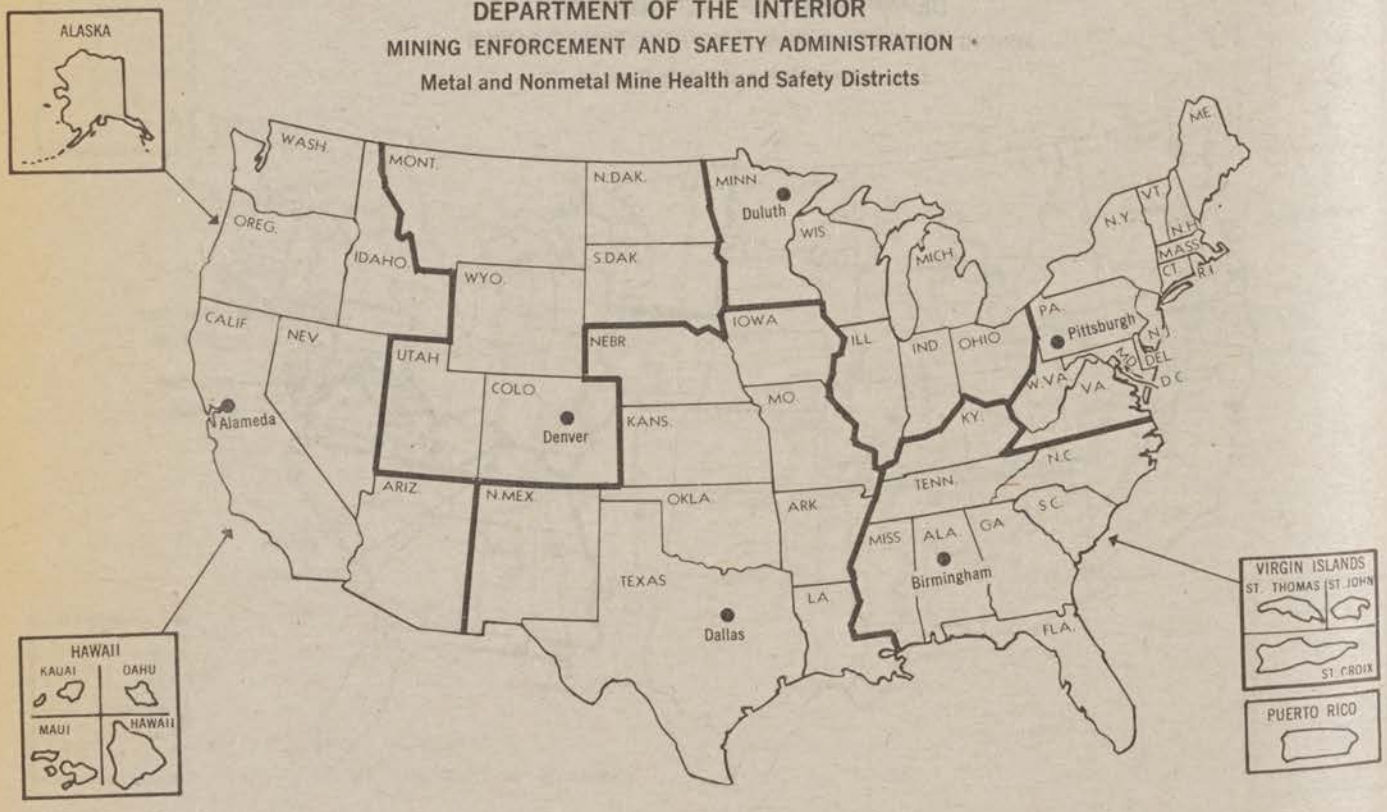
DEPARTMENT OF THE INTERIOR
MINING ENFORCEMENT AND SAFETY ADMINISTRATION
Coal Mine Health and Safety Districts

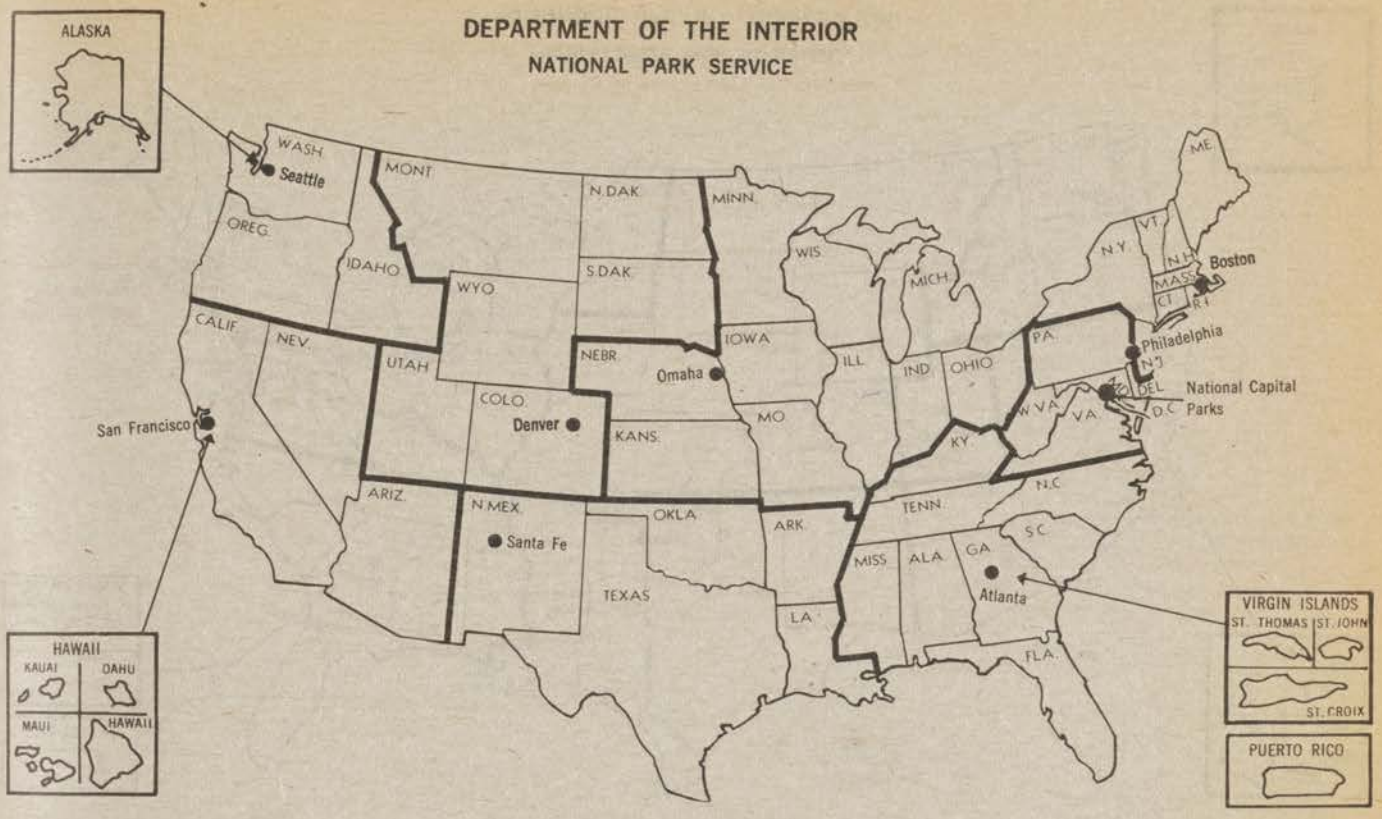


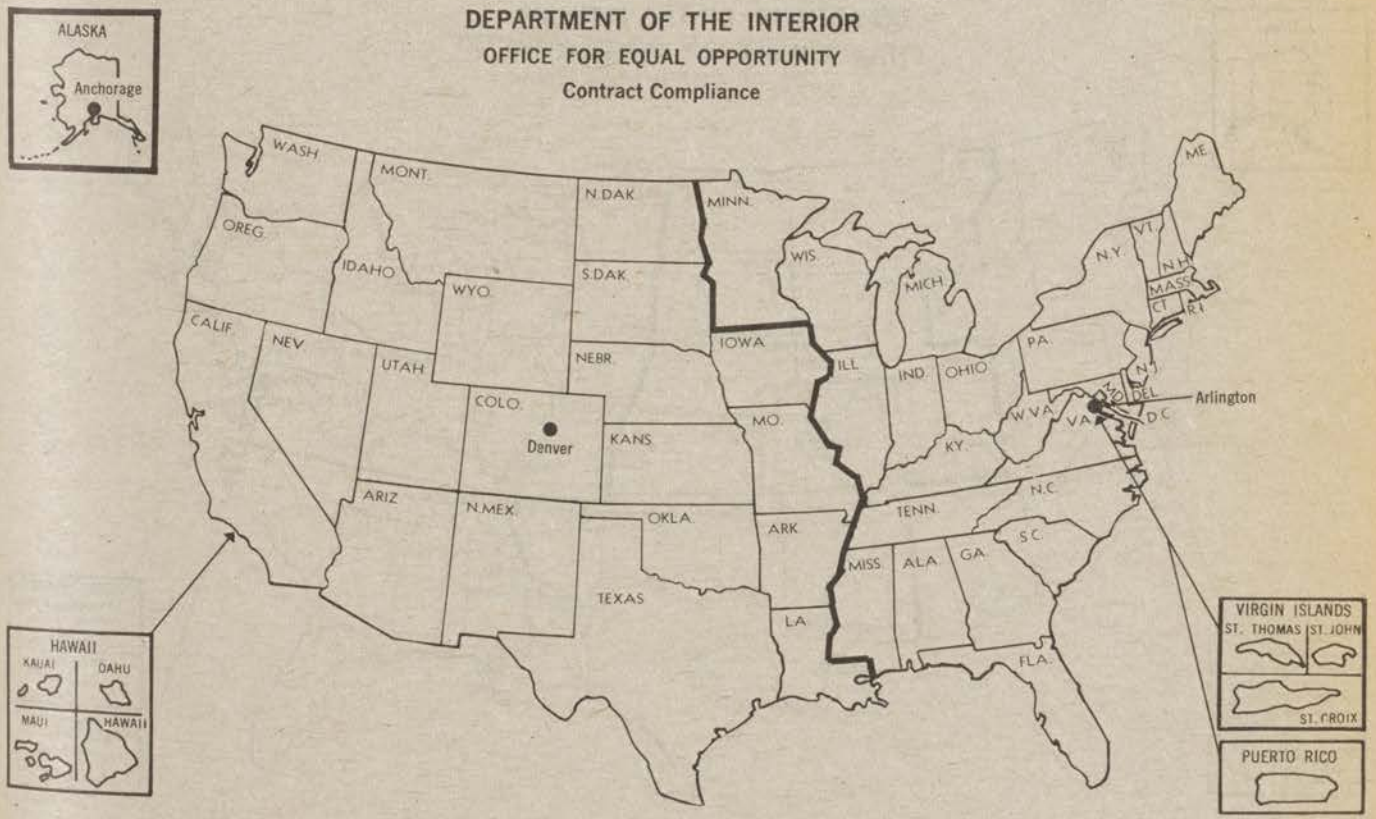
DEPARTMENT OF THE INTERIOR
MINING ENFORCEMENT AND SAFETY ADMINISTRATION
Health and Safety Training Centers



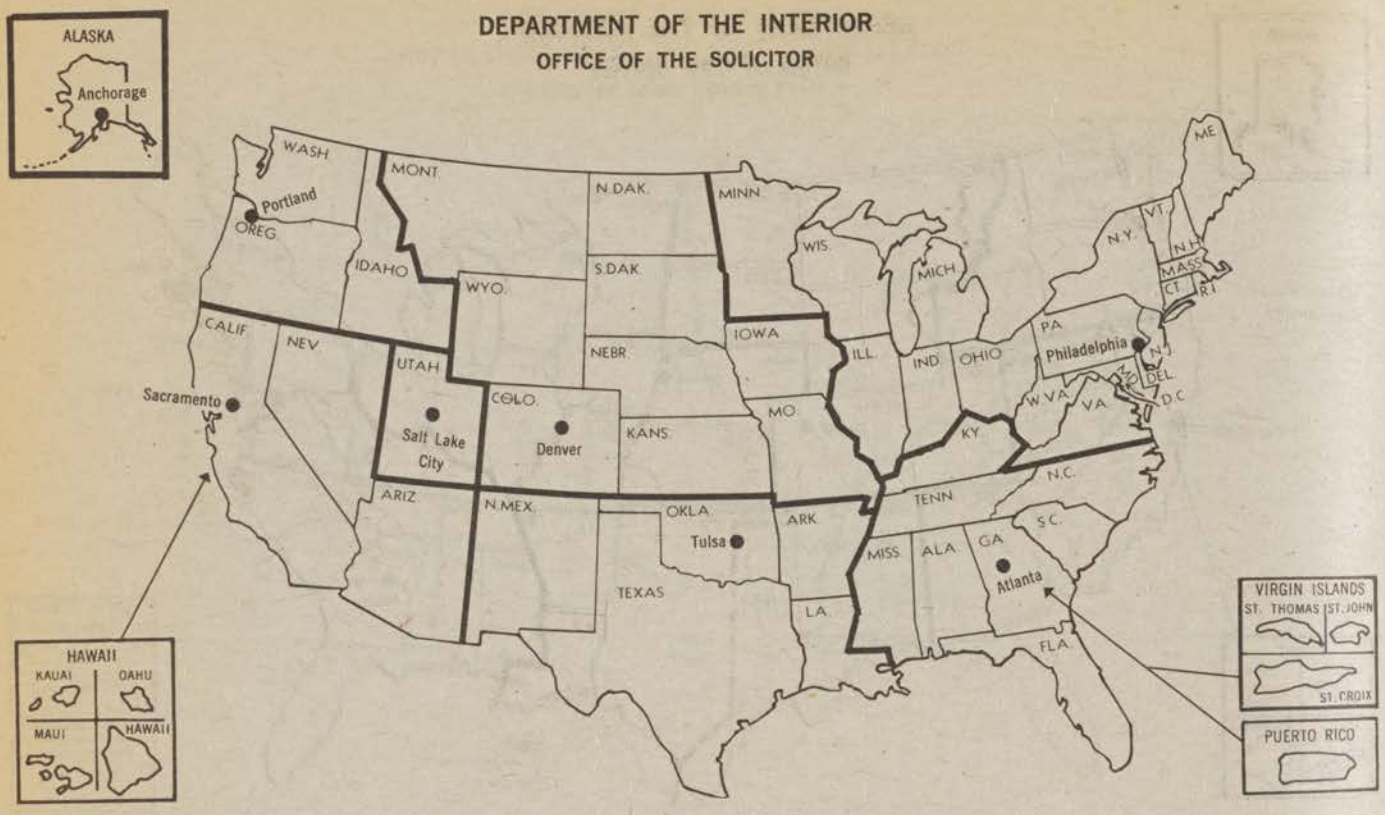
DEPARTMENT OF THE INTERIOR
MINING ENFORCEMENT AND SAFETY ADMINISTRATION
Metal and Nonmetal Mine Health and Safety Districts



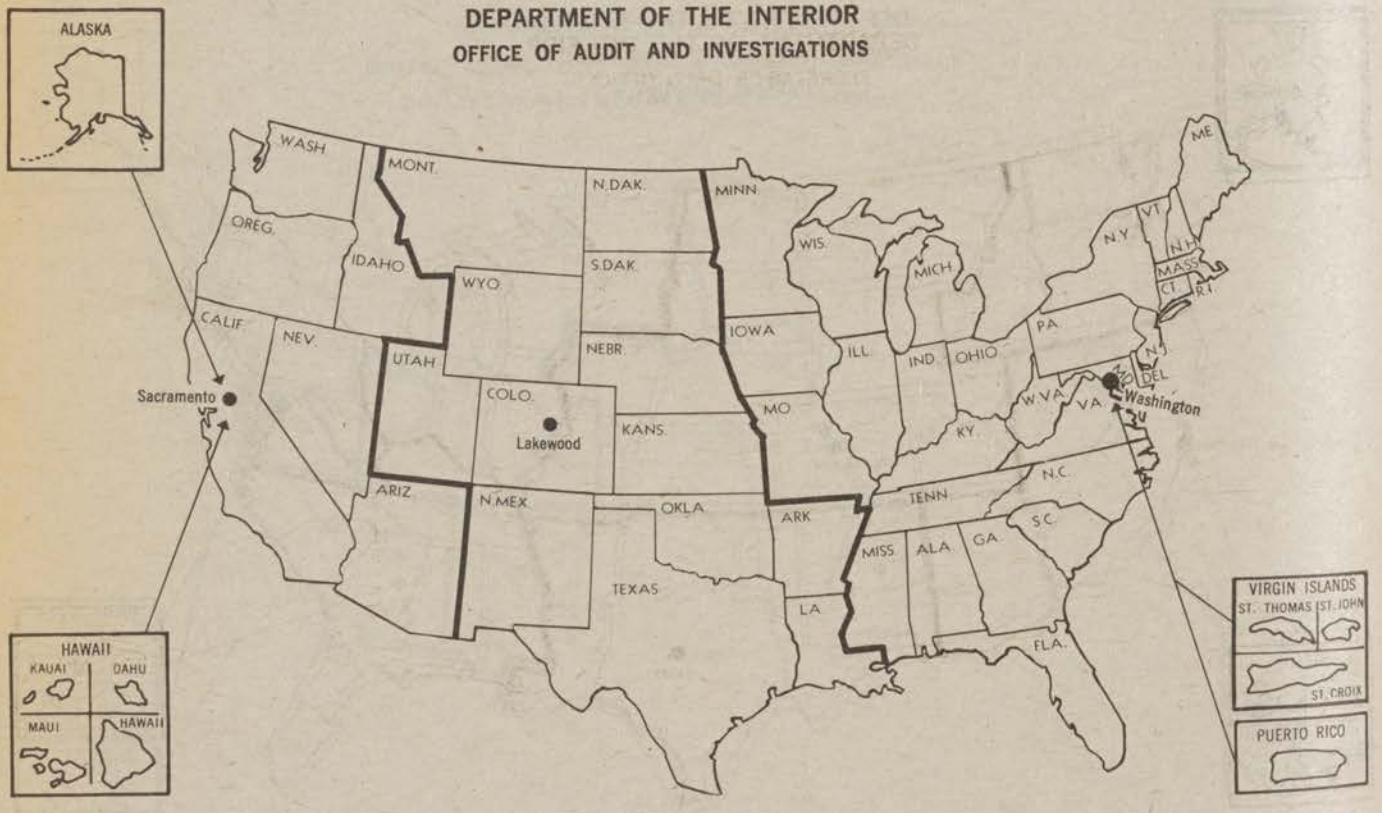

DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ALASKA
HAWAII
KAUAI
OAHU
MAUI
HAWAII
WASH.
Seattle
OREG.
CALIF.
San Francisco
NEV.
IDAHO
MONT.
WYO.
UTAH
ARIZ.
COLO.
Denver
N.MEX.
Santa Fe
N.DAK.
S.DAK.
NEBR.
Omaha
KANS.
OKLA.
TEXAS
MINN.
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ILL.
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TENN.
MISS.
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GA.
Atlanta
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S.C.
N.C.
W.VA.
VA.
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N.Y.
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VT.
N.H.
MASS.
CT.
R.I.
Boston
N.J.
Philadelphia
DEL.
MD.
D.C.
National Capital Parks
VIRGIN ISLANDS
ST. THOMAS
ST. JOHN
ST. CROIX
PUERTO RICO


DEPARTMENT OF THE INTERIOR
OFFICE FOR EQUAL OPPORTUNITY
Contract Compliance
ALASKA
Anchorage
HAWAII
KAUAI
OAHU
MAUI
HAWAII
WASH.
OREG.
CALIF.
NEV.
IDAHO
MONT.
WYO.
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ST. THOMAS
ST. JOHN
ST. CROIX
PUERTO RICO

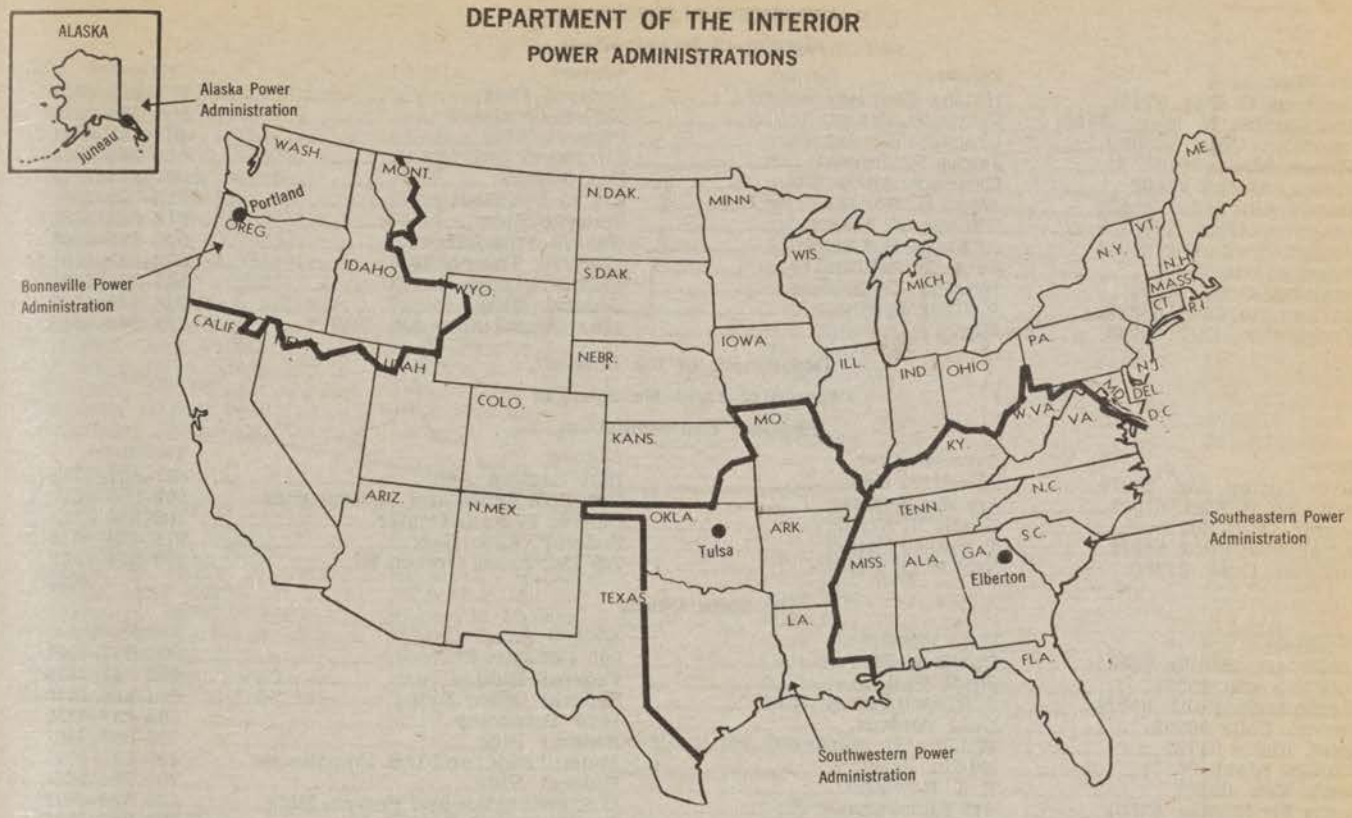
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR



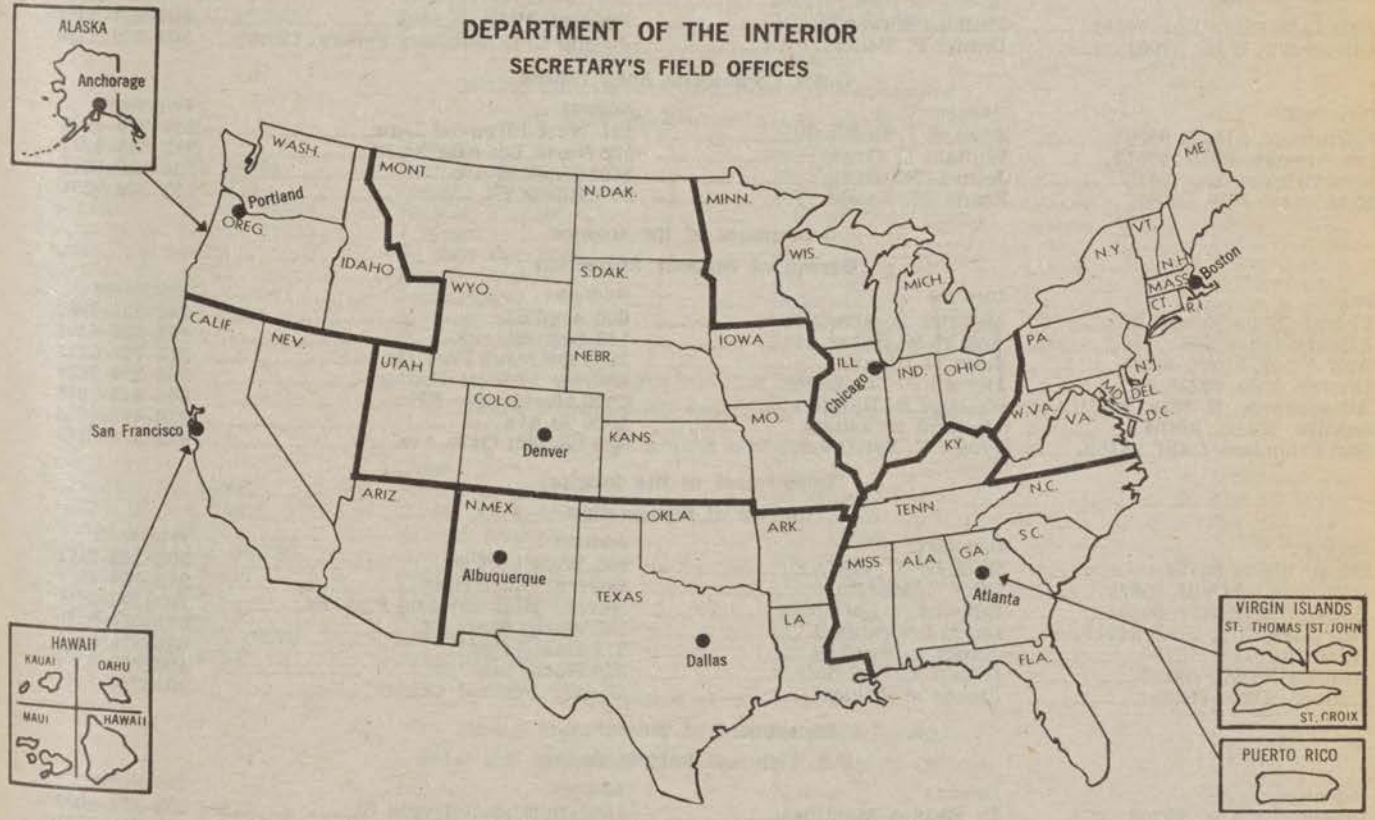
DEPARTMENT OF THE INTERIOR
OFFICE OF AUDIT AND INVESTIGATIONS



DEPARTMENT OF THE INTERIOR
POWER ADMINISTRATIONS



DEPARTMENT OF THE INTERIOR
SECRETARY'S FIELD OFFICES



Department of the Interior
Bureau of Indian Affairs

Area office	Director	Address	Telephone
Aberdeen, S. Dak. 57401	Harley Zephier, Acting	Federal Bldg	605–225–7343
Albuquerque, N. Mex. 87108	Frank E. Pence, Acting	5301 Central Ave	505–766–3173
Anadarko, Okla. 73005	Charles W. James	Federal Bldg	405–247–6231
Billings, Mont. 59101	James F. Canan	316 North 26th St	406–245–6315
Juneau, Alaska 99802	Clarence Antioquia	Box 3–8000	907–586–7177
Minneapolis, Minn. 55402	Alton R. Nordwall, Acting	831 2d Ave. South	612–725–2904
Muskogee, Okla. 74401	Thomas J. Ellison	Federal Bldg	918–683–3431
Window Rock, Ariz. 86515	Anthony P. Lincoln	Navajo Area Office	602–871–4368
Phoenix, Ariz. 85011	John T. Artichoker	124 West Thomas Rd	602–261–4101
Portland, Oreg. 97208	Francis E. Briscoe	1425 Irving St. NE	503–234–3361
Sacramento, Calif. 95825	William E. Finale	Federal Bldg	916–484–4682
Washington, D.C. 20245	Harry Rainbolt	1951 Constitution Ave. NW	202–343–5582

Department of the Interior
Bureau of Land Management
Regional Representatives

Region	Representative	Address	Telephone
Silver Spring, Md. 20910	Lowell J. Udy	7981 Eastern Ave	301–427–7500
Santa Fe, N. Mex. 87501	Art Zimmerman	U.S. Post Office and Federal Bldg	505–988–6217
Denver, Colo. 80225	Garth H. Rudd	Denver Federal Center	303–234–2329
Sacramento, Calif. 95825	J. Russell Penny	Federal Office Bldg	916–484–4676
Portland, Oreg. 97208	Archie D. Craft	729 Northeast Oregon St	503–234–3361 4001

State Offices

City/State	State Director	Address	Telephone
Anchorage, Alaska 99501	Curtis V. McVee	555 Cordova St	907–277–1561
Phoenix, Ariz. 85025	Joe T. Fallini	Federal Bldg	602–261–3873
Sacramento, Calif. 95825	J. Russell Penny	Federal Office Bldg	916–484–4676
Denver, Colo. 80202	Dale Andrus	1600 Broadway	303–837–4325
Boise, Idaho 83724	William L. Mathews	Federal Bldg	208–342–2401
Billings, Mont. 59101	Edwin Zaidlicz	Federal Bldg. and U.S. Courthouse	406–245–6711
Reno, Nev. 89502	E. I. Rowland	Federal Bldg	702–784–5451
Santa Fe, N. Mex. 87501	Art Zimmerman	U.S. Post Office and Federal Bldg	505–988–6217
Portland, Oreg. 97208	Archie D. Craft	729 Northeast Oregon St	503–234–3361 4001
Salt Lake City, Utah 84111	Paul L. Howard	Federal Bldg	801–524–5311
Cheyenne, Wyo. 82001	Daniel P. Baker	Joseph C. O'Mahoney Federal Center	307–778–2220

Outer Continental Shelf Offices

City/State	Manager	Address	Telephone
Anchorage, Alaska 99501	Edward J. Hoffmann	121 West Fireweed Lane	907–279–4578
Los Angeles, Calif. 90012	William E. Grant	300 North Los Angeles St	213–688–7234
New Orleans, La. 70113	John L. Rankin	1001 Howard Ave	504–589–6541
New York, N.Y. 10007	Frank M. Basile	90 Church St	212–264–7254

Department of the Interior
Bureau of Outdoor Recreation

Region	Director	Address	Telephone
Philadelphia, Pa. 19106	Maurice D. Arnold	600 Arch St	215–597–7989
Atlanta, Ga. 30303	Robert M. Baker	148 Cain St	404–526–4405
Ann Arbor, Mich. 48104	John D. Cherry	3853 Research Park Dr	313–769–3211
Denver, Colo. 80225	Derrell P. Thompson	Denver Federal Center	303–234–2634
Albuquerque, N. Mex. 87110	Rolland B. Handley	5000 Marble Ave. NE	505–843–3514
Seattle, Wash. 98104	Maurice H. Lundy	1000 2d Ave	206–442–4706
San Francisco, Calif. 94102	Frank E. Sylvester	450 Golden Gate Ave	415–556–0182

Department of the Interior
Bureau of Reclamation

Region	Director	Address	Telephone
Boise, Idaho 83724	Rodney J. Vissia	550 West Fort St	208–342–2101
Sacramento, Calif. 95825	Billy E. Martin	Federal Office Bldg	916–484–4571
Boulder City, Nev. 89005	Edward A. Lundberg	Nevada Highway and Park St	702–293–8411
Salt Lake City, Utah 84111	David L. Crandall	125 South State St	801–524–5592
Amarillo, Tex. 79105	James A. Bradley	317 East 3d St	806–376–2401
Billings, Mont. 59103	Robert L. McPhail	316 North 26th St	406–245–6214
Denver, Colo. 80225	James M. Ingles	Denver Federal Center	303–234–4441

Department of the Interior
U.S. Fish and Wildlife Service

Region	Director	Address	Telephone
Portland, Oreg. 97208	R. Kahler Martinson	1500 Northeast Irving St	503–234–4050
Albuquerque, N. Mex. 87103	Wilford O. Nelson	500 Gold Ave. SW	505–766–2321
Twin Cities, Minn. 55111	Jack E. Hemphill	Federal Bldg	612–725–3500
Atlanta, Ga. 30329	Kenneth E. Black	17 Executive Park Dr. NE	404–526–4671
Boston, Mass. 02109	Richard E. Griffith	U.S. Post Office and Courthouse	617–223–2961
Denver, Colo. 80215	Charles M. Loveless	10597 West 6th Ave	303–234–2209

Department of the Interior
Defense Electric Power Administration

Area	Director	Address	Telephone
West Springfield, Mass. 01089	Harry H. Mochon, Jr	174 Brush Hill Ave	413–785–5871
Schenectady, N.Y. 12303	John R. Vogel, Jr	3890 Carman Rd	518–381–2234
Philadelphia, Pa. 19101	Charles W. Watson	2301 Market St	215–841–4260
Birmingham, Ala. 35202	B. M. Guthrie	600 North 18th St	205–323–5341
Ann Arbor, Mich. 48106	Keith E. Spencer	P.O. Box 1564	313–663–4247
Canton, Ohio 44701	Owen Lentz	P.O. Box 102	216–456–2488
Chattanooga, Tenn. 37401	T. Graham Wells, Jr	830 Power Bldg	615–755–2883
Milwaukee, Wis. 53203	N. A. Ricci	231 West Michigan Ave	414–273–1234
Minneapolis, Minn. 55401	E. C. Glass	414 Nicollet Mall	612–330–6129
Little Rock, Ark. 72202	Bill C. Hulsey	Plaza West Building	501–664–0145
Salt Lake City, Utah 84110	James Hooper	P.O. Box 899	801–350–3535
Denver, Colo. 80201	Julian R. Hayden	P.O. Box 840	303–571–6594
Portland, Oreg. 97204	E. F. Timme	920 Southwest 6th Ave	503–226–7411
San Diego, Calif. 92112	William A. Davis	P.O. Box 1831	714–278–7227
San Juan, P.R. 00905	Julio A. Negroni	P.O. Box 4267	809–723–0528
Honolulu, Hawaii 96803	John Rolfing	P.O. Box 2750	808–548–3500
Anchorage, Alaska 99501	Leroy J. Schultz	P.O. Box 3518	907–272–4441

Area (Region)	Regional Power Liaison Representative	Address	Telephone
Boston, Mass. 02199	Frederick W. Hoey	800 Boylston St	617–424–2231
New York, N.Y. 10003	John F. English	4 Irving Pl	212–460–2071
Washington, D.C. 20006	Martin Quigley	1900 Pennsylvania Ave. NW	202–872–2000
Atlanta, Ga. 30302	Robert W. Winfree	P.O. Box 4545	404–521–3400
Jackson, Miss. 49201	John H. Kline	1945 West Parnall Rd	517–788–0265
Chicago, Ill. 60690	Robert E. Kerger	P.O. Box 767	312–294–2783
Kansas City, Mo. 64133	Earl D. Dryer	10700 East Fifty Highway	816–353–5002
Denver, Colo. 80225	Abner W. Watts	Denver Federal Center	303–234–3745
Redmond, Wash. 98052	Fred M. Treffinger	13635 Northeast 80 Street	206–454–6363
San Francisco, Calif. 94106	J. Scott Kay	77 Beale St	415–781–4211

Department of the Interior
Geological Survey

Region	Assistant Director	Address	Telephone
Reston, Va. 22092	Wm. B. Overstreet, Acting	12201 Sunrise Valley Dr	705–860–7414
Denver, Colo. 80225	Thad G. McLaughlin	Denver Federal Center	303–234–4630
Menlo Park, Calif. 94025	Joel M. Johanson	345 Middlefield Rd	415–323–2711

Department of the Interior
Mining Enforcement and Safety Administration
Coal Mine Health and Safety Districts

District	Manager	Address	Telephone
Wilkes-Barre, Pa. 18701	John B. Shutack	19 North Main St	717–825–6321
Pittsburgh, Pa. 15213	Donald W. Huntley	4800 Forbes Ave	412–621–4500
Morgantown, W. Va. 26504	Jack E. Tisdale	Collins Ferry Rd	304–296–3277
Mount Hope, W. Va. 25880	J. Krese	P.O. Box 112	304–877–6405
Norton, Va. 24273	W. Roy Compton	546 Alexandria Ave	703–879–0230
Pikeville, Ky. 41501	Roy G. Ross	218 High St	606–437–9616
Barbourville, Ky. 40906	Jerry Spicer	Federal Bldg	606–546–5123
Vincennes, Ind. 47591	Maurice Childers	501 Busseron St	812–423–6334
Denver, Colo. 80215	M. J. Turnipseed	1457 Ammons St	303–234–2293

Department of the Interior
Mining Enforcement and Safety Administration
Health and Safety Training Centers

Center	Chief	Address	Telephone
Pittsburgh, Pa. 15220	James Bennett	4 Parkway Center	412–621–4321
Beckley, W. Va. 25801	C. B. Humphrey	2231 South Kanawha St	304–252–7347
Norton, Va. 24273	Arthur Sinicrope	Post Office Bldg	703–679–4430
Birmingham, Ala. 35209	Joe Nelson	228 West Valley Ave	205–325–3873
Rosemont, Ill. 60018	Clement Dovidas	10600 Higgins Rd	312–298–7240
Dallas, Tex. 75221	Thomas Kessler	P.O. Box 1020	214–749–1306
Denver, Colo. 80215	John S. Kelly	603 Miller Ct	303–234–2800
Boulder City, Nev. 89005	Quentin L. Wilcox	500 Date St	702–293–8441
Albany, Oreg. 97321	John English	1450 West Queen St	503–926–5218

Department of the Interior
Mining Enforcement and Safety Administration
Metal and Nonmetal Mine Health and Safety Districts

District	Manager	Address	Telephone
Pittsburgh, Pa. 15213	Michael P. Trainor	4800 Forbes Ave	412–621–4454
Birmingham, Ala. 35209	Roy L. Bernard	228 West Valley Ave	205–325–3656
Duluth, Minn. 55802	Reino Pynnonen	228 Federal Bldg	218–727–6451
Dallas, Tex. 75207	Harry L. Schell	1110 Commerce St	214–749–1241
Denver, Colo. 80215	William C. Gardner	603 Miller Ct	303–234–3421
Alameda, Calif. 94501	Thomas C. Lukins	620 Central Ave	415–273–7011

Department of the Interior
National Park Service

Regional Office	Director	Address	Telephone
North Atlantic	Jerry D. Wagers	150 Causeway St., Boston, Mass. 02114	617–223–3768
Mid-Atlantic	Chester L. Brooks	143 South 3d St., Philadelphia, Pa. 19106	215–597–7013
Southeast	David D. Thompson, Jr	3401 Whipple Ave., Atlanta, Ga. 30344	404–526–7594
Midwest	Merrill D. Beal, Acting	1709 Jackson St., Omaha, Nebr. 68102	402–221–3431
Rocky Mountain	Lynn H. Thompson	P.O. Box 25287, Denver, Colo. 80225	303–234–2500
Southwest	Joseph C. Rumburg, Jr	P.O. Box 728, Santa Fe, N. Mex. 87501	505–988–3388
Western	Howard H. Chapman	450 Golden Gate Ave., San Francisco, Calif. 94102	415–556–4196
Pacific Northwest	John A. Rutter	523 4th and Pike Bldg., Seattle, Wash. 98101	206–442–5565
National Capital Parks	Manus J. Fish, Jr	1100 Ohio Dr. SW., Washington, D.C. 20242	202–426–6612

Department of the Interior
Office for Equal Opportunity
Contract Compliance

Region	Manager	Address	Telephone
Arlington, Va. 22203	Hollis W. Johnson, Acting	4040 North Fairfax Dr	703–557–2175
Denver, Colo. 80225	Gerald C. Williams	Denver Federal Center	303–234–2154
Anchorage, Alaska 99501	Patricia Mayo	204 East 5th Ave	907–277–0552

Department of the Interior
Office of the Solicitor

Region	Solicitor	Address	Telephone
Anchorage, Alaska 99510	Robert E. Price	1016 West 6th Ave	Dial 206–442–0150 FTS to Seattle, ask for Anchorage and give the operator the following number—265–4684
Denver, Colo. 80225	John R. Little, Acting	Denver Federal Center	303–234–3175
Atlanta, Ga. 30303	Raymond C. Coulter	148 Cain St. NE	404–526–4447
Philadelphia, Pa. 19106	William W. Redmond	143 South 3d St	215–597–2149
Portland, Oreg. 97208	Robert E. Ratcliffe	P.O. Box 3621	503–234–4201
Sacramento, Calif. 95825	Charles R. Renda	2800 Cottage Way	916–484–4331
Salt Lake City, Utah 84111	Thomas O. Parker	125 South State St	801–524–5677
Tulsa, Okla. 74101	Raymond F. Sanford	P.O. Box 3156	918–581–7501

Department of the Interior
Office of Audit and Investigations

Region	Director	Address	Telephone
Washington, D.C. 20240	Frank V. Passuth	801 19th St. NW	202–382–6921
Lakewood, Colo. 80215	William A. Butron	1841 Wadsworth	303–234–2131
Sacramento, Calif. 95825	Gerald W. Hicks	2800 Cottage Way	916–484–4874

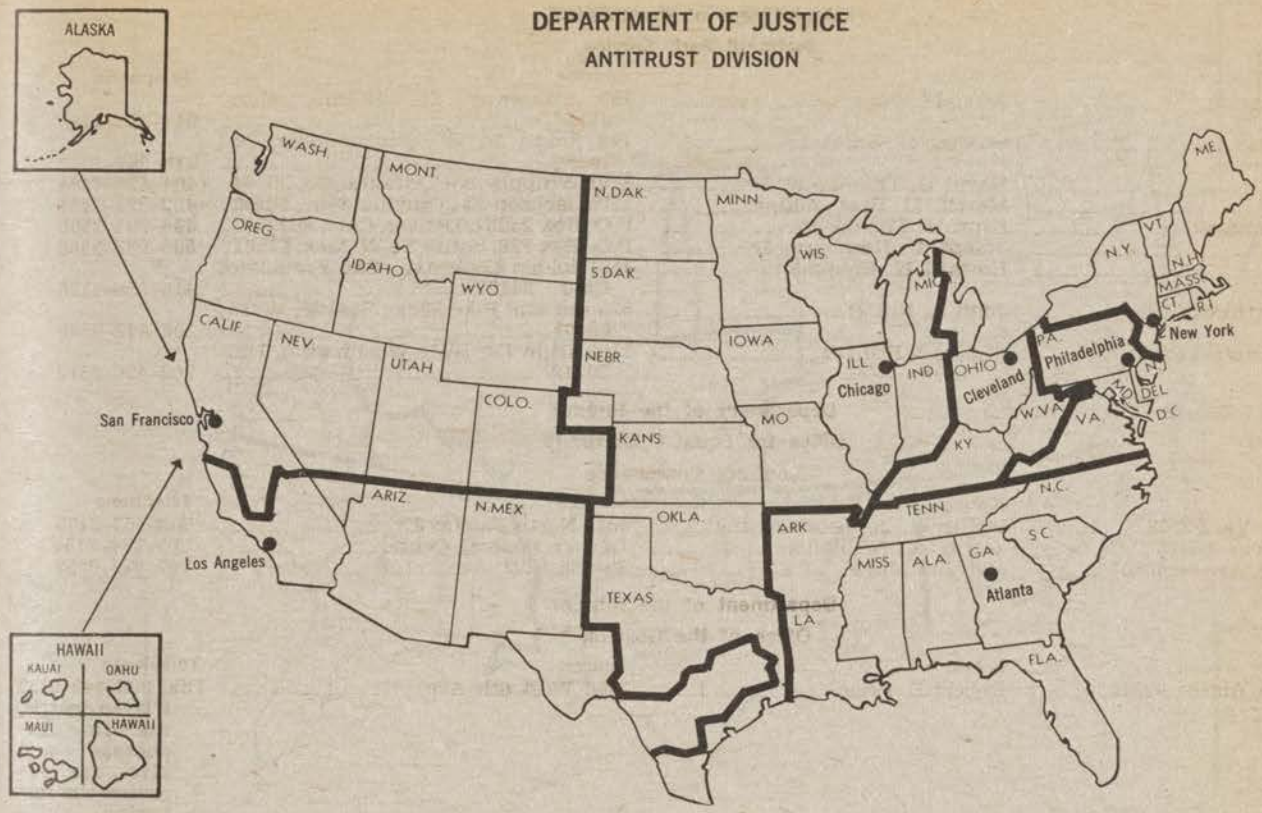
Department of the Interior
Power Administrations

Power Administration	Administrator	Address	Telephone
Alaska—Juneau, Alaska 99801	James V. House	P.O. Box 50	907–586–7405
Southeastern—Elberton, Ga. 30635	Jan Fortune	Samuel Elbert Bldg	404–283–3261
Southwestern—Tulsa, Okla. 74101	Peter C. King	P.O. Drawer 1619	918–581–7474
Bonneville—Portland, Oreg. 97208	Donald Paul Hodel	P.O. Box 3621	503–234–3361

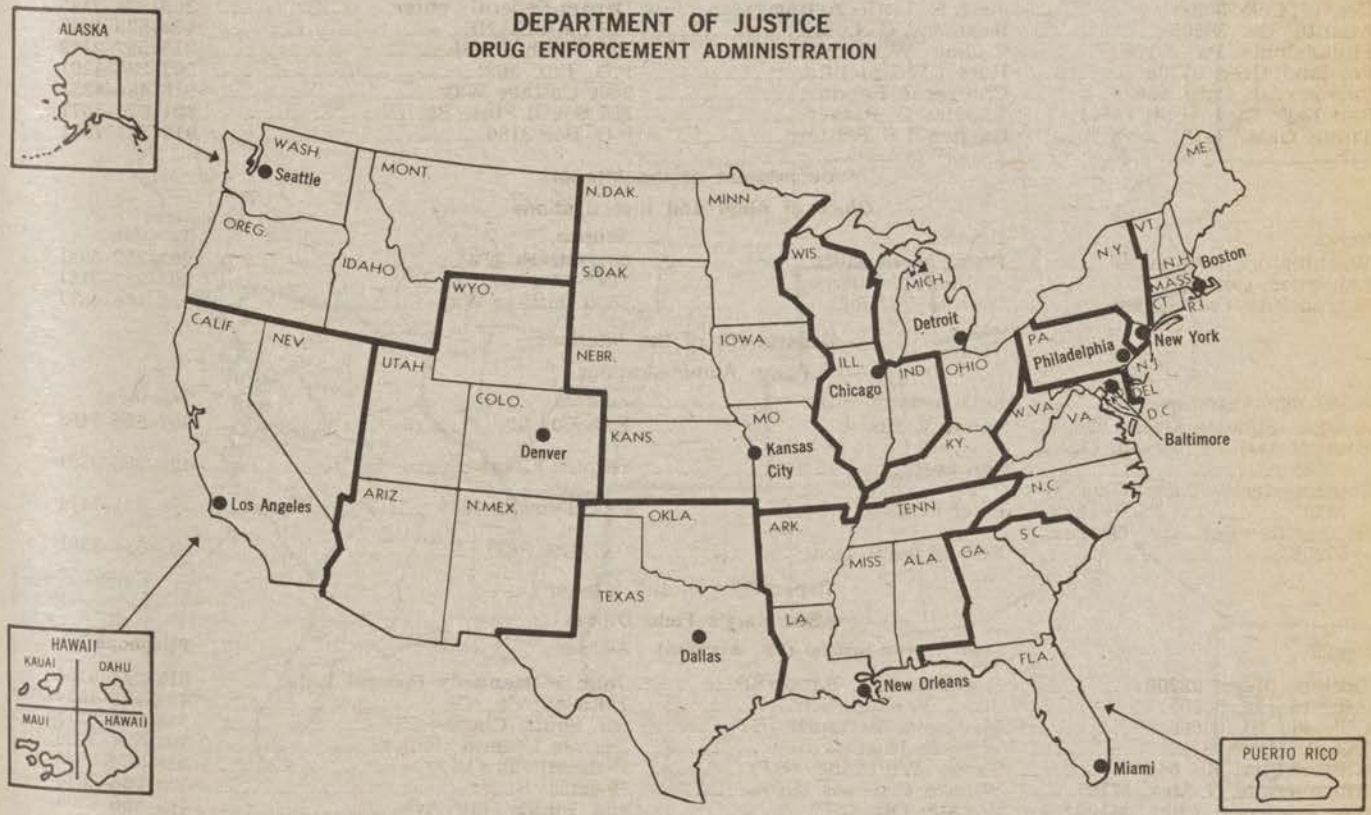
Department of the Interior
Secretary's Field Offices

Region	Staff (ST) or Special (SP) Assistant	Address	Telephone
Boston, Mass. 02203	Roger Sumner Babb (SP)	John F. Kennedy Federal Bldg	617–223–5104
Atlanta, Ga. 30303	June Whelan (SP)	148 Cain St. NE	404–526–4524
Chicago, Ill. 60605	Madonna McGrath (ST)	536 South Clark St	312–353–8015
Denver, Colo. 80225	William Rogers (SP)	Denver Federal Center	303–234–3120
Kansas City, Mo. 64106	Tyson Whiteside (ST)	Federal Office Bldg	816–374–5924
Albuquerque, N. Mex. 87101	Willard C. Lewis (SP)	Federal Bldg	505–766–2838
San Francisco, Calif. 94102	Webster Otis (SP)	450 Golden Gate Ave	415–556–8200
Portland, Oreg. 97208	Roy Sampsel (SP)	1002 Northeast Holladay St	503–234–5141 5292
Dallas, Tex. 75202	Mary Dee Beall (ST)	1100 Commerce St	214–749–3708
Anchorage, Alaska 99510	Bruce E. Schultheis (SP)	1675 C St	907–265–5278

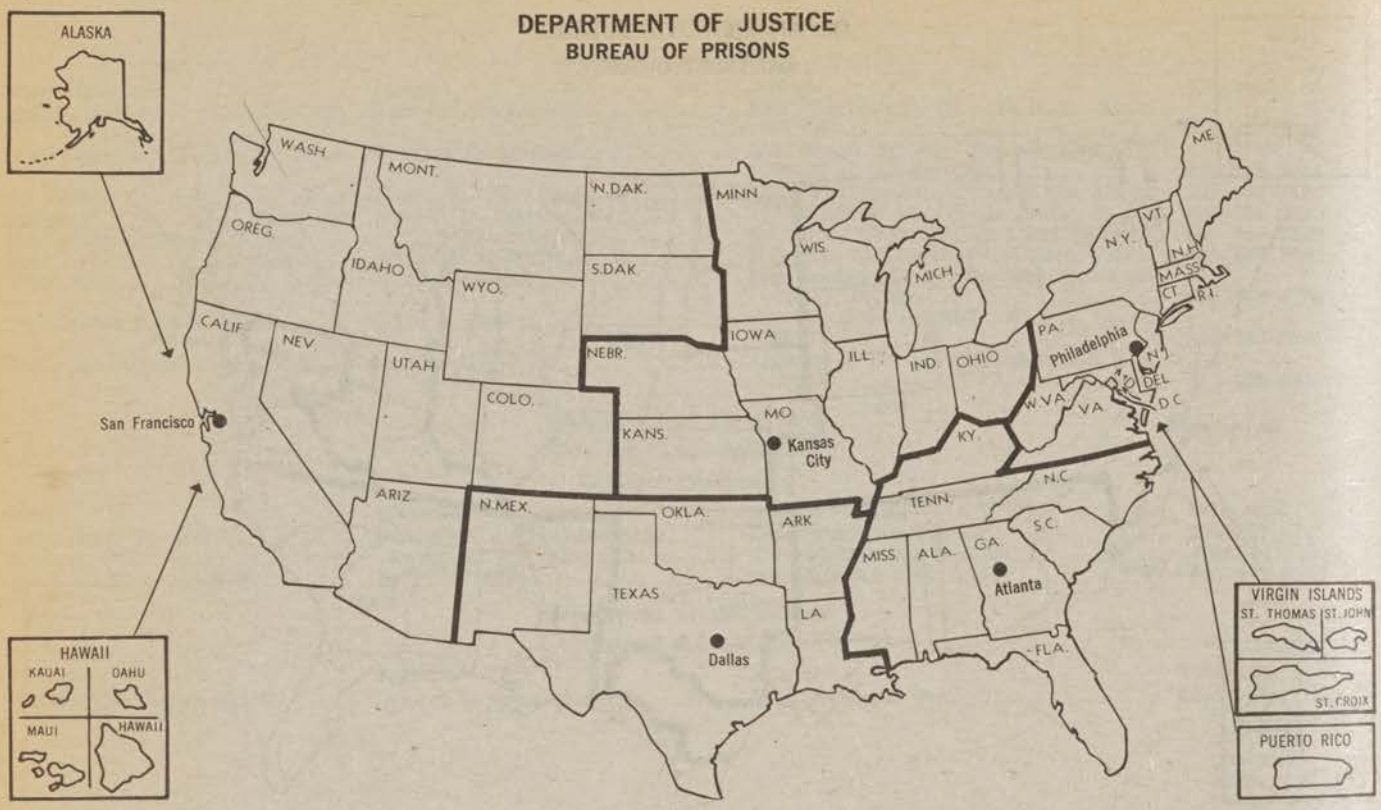
DEPARTMENT OF JUSTICE
ANTITRUST DIVISION



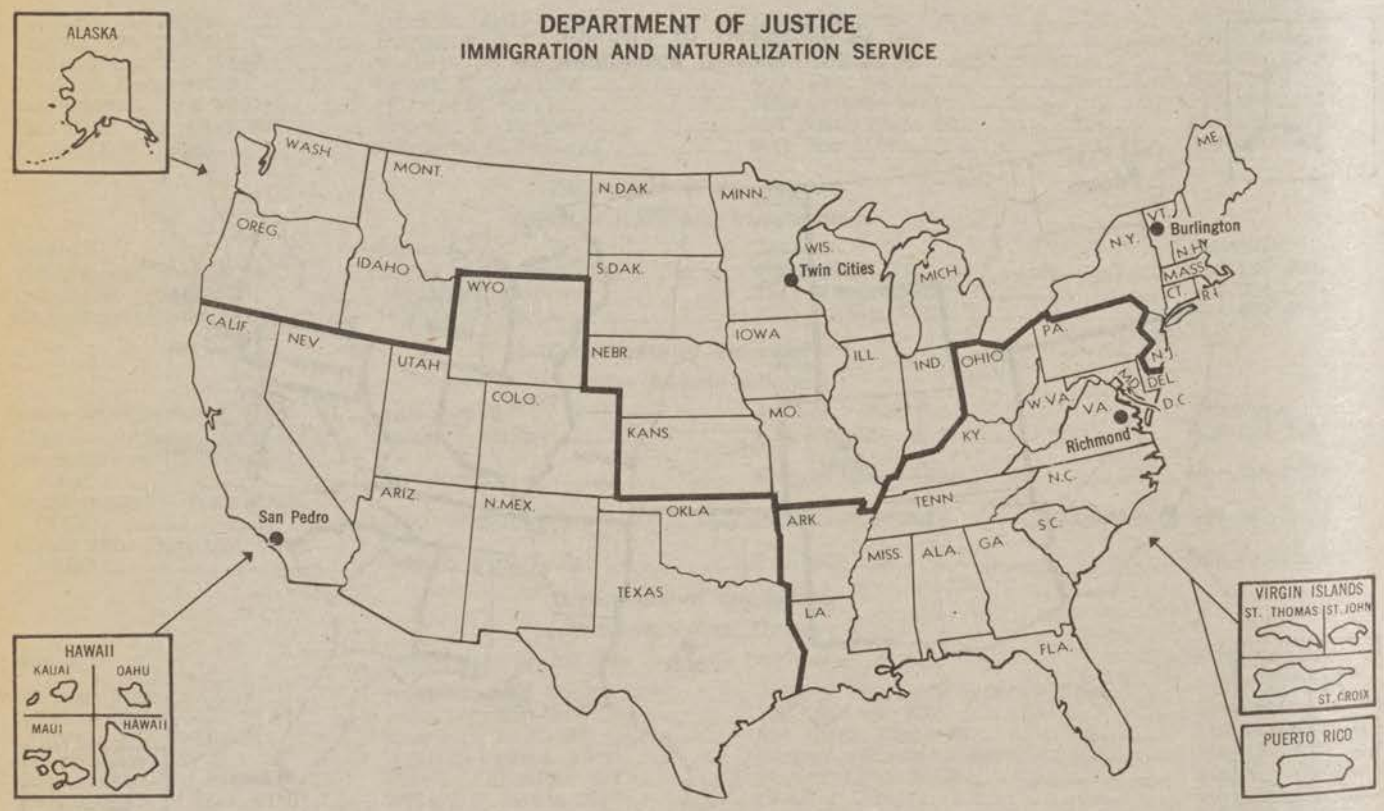
DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION



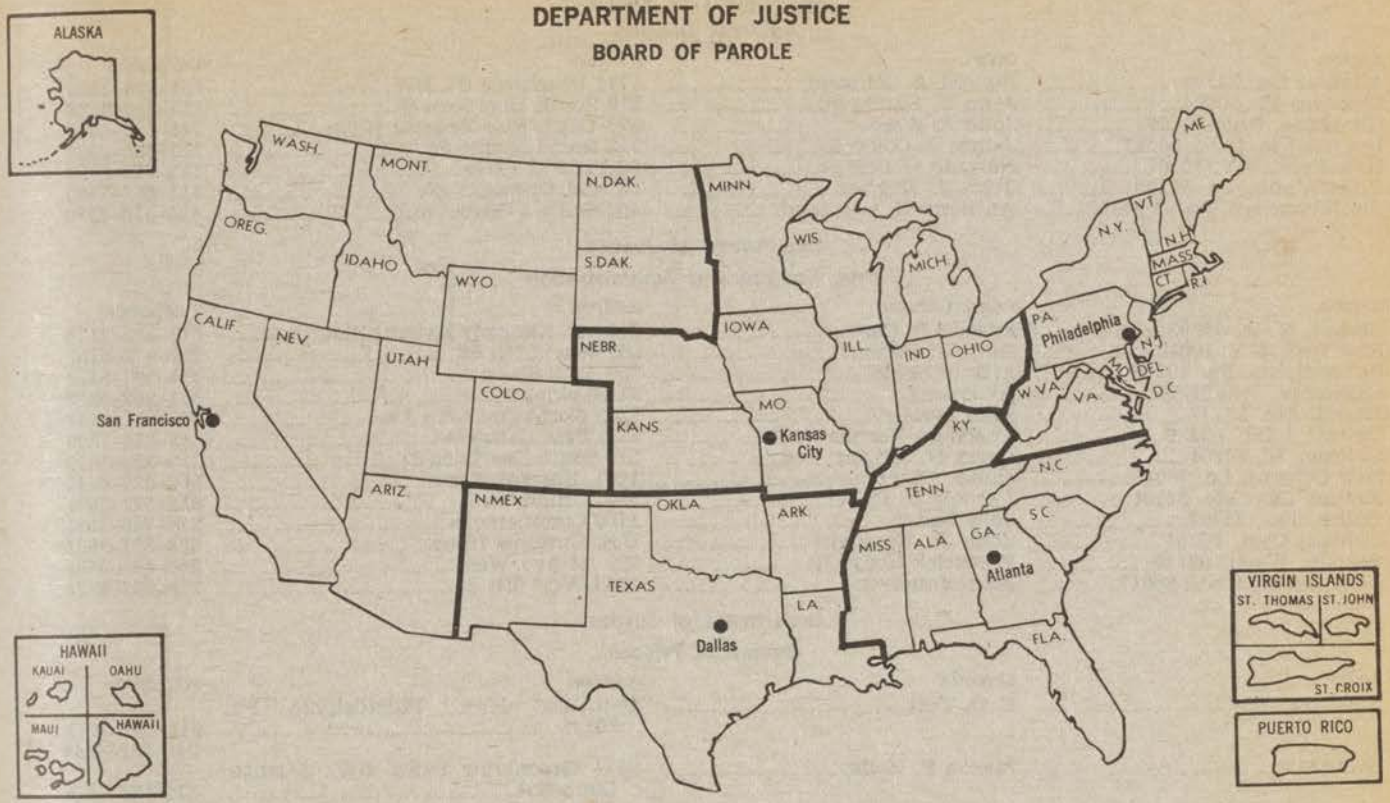
DEPARTMENT OF JUSTICE
BUREAU OF PRISONS



DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE



DEPARTMENT OF JUSTICE
BOARD OF PAROLE



Department of Justice
Antitrust Division

Region	Chief	Address	Telephone
Atlanta, Ga. 30309	Donald A. Kinkaid	1776 Peachtree St. NW	404–526–3828
Chicago, Ill. 60604	John E. Sarbaugh	219 South Dearborn St	312–353–7538
Cleveland, Ohio 44199	John E. Weedon	995 Celebrezze Federal Bldg	216–522–4070
Los Angeles, Calif. 90012	James J. Coyle	312 North Spring St	213–688–2500
New York, N.Y. 10007	Norman H. Seidler	26 Federal Plaza	212–264–0390
Philadelphia, Pa. 19106	John J. Hughes	2d and Chestnut Sts	215–597–7405
San Francisco, Calif. 94102	Anthony E. Desmond	450 Golden Gate Ave	415–556–6300

Department of Justice
Drug Enforcement Administration

Region	Administrator	Address	Telephone
Boston, Mass. 02203	Edward R. Cass	John F. Kennedy Federal Bldg	617–223–2170
New York, N.Y. 10019	John W. Fallon	555 West 57th St	212–971–5151
Philadelphia, Pa. 19106	Arthur Lewis	600 Arch St	215–597–9530
Baltimore, Md. 21201	Irv Swenk	31 Hopkins Pl	301–962–4800
Miami, Fla. 33132	John Mosely	5255 Northwest 87th Ave	305–350–4441
Detroit, Mich. 48226	Theodore Vernier	231 West Lafayette	313–226–7290
Chicago, Ill. 60604	Gerry N. Jenson	219 South Dearborn St	312–353–1419
New Orleans, La. 70013	James Bland	1001 Howard Ave	504–527–6841
Kansas City, Mo. 64106	Vernon D. Meyer	811 Grand Ave	816–374–2631
Dallas, Tex. 75202	Jack Salter	1100 Commerce St	214–749–3631
Denver, Colo. 80201	John R. Enwright	U.S. Customs House	303–837–3951
Seattle, Wash. 98119	Frederick Rody, Jr	221 1st Ave. West	206–442–5443
Los Angeles, Calif. 90017	John Vandiver	1340 West 6th St	213–688–4825

Department of Justice
Bureau of Prisons

Region	Director	Address	Telephone
Northeast	E. O. Toft	Industrial Hwy., Philadelphia, Pa. 10113	215–597–3671 215–521–4644
Southeast	Mason F. Holley	3511 Greenbriar Pkwy. SW., Atlanta, Ga. 30331	404–526–7218 7323
North Central	James D. Henderson	8800 Northwest 112th St., Kansas City, Mo. 64153	816–243–5680
South Central	Charles J. Hughes	3883 Turtle Creek Blvd., Dallas, Tex. 75219	214–749–1112
Western	Paul T. Walker	330 Primrose Rd., Burlingame, Calif. 94010	415–876–9104 415–347–4704

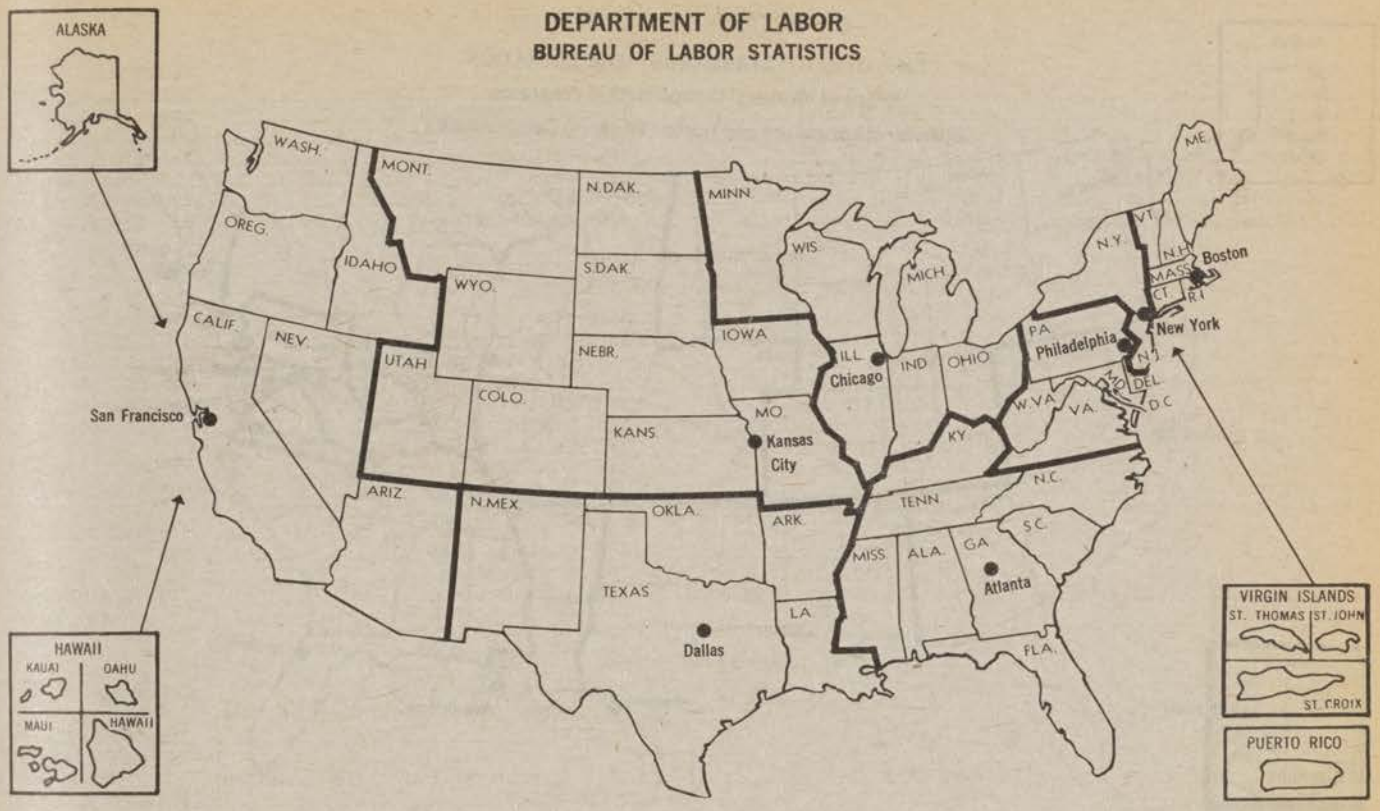
Department of Justice
Immigration and Naturalization Service

Region	Commissioner	Address	Telephone
Burlington, Vt. 05401	Socrates P. Zolotas	Federal Bldg	802–862–6201
Twin Cities, Minn. 55111	Nathaniel Ewing	Federal Bldg., Fort Snelling	612–725–4450
Richmond, Va. 23240	Robert E. Schoenenberger	400 North 8th St	804–782–2670
San Pedro, Calif. 90731	Leonard W. Gilman	Terminal Island	213–548–2371

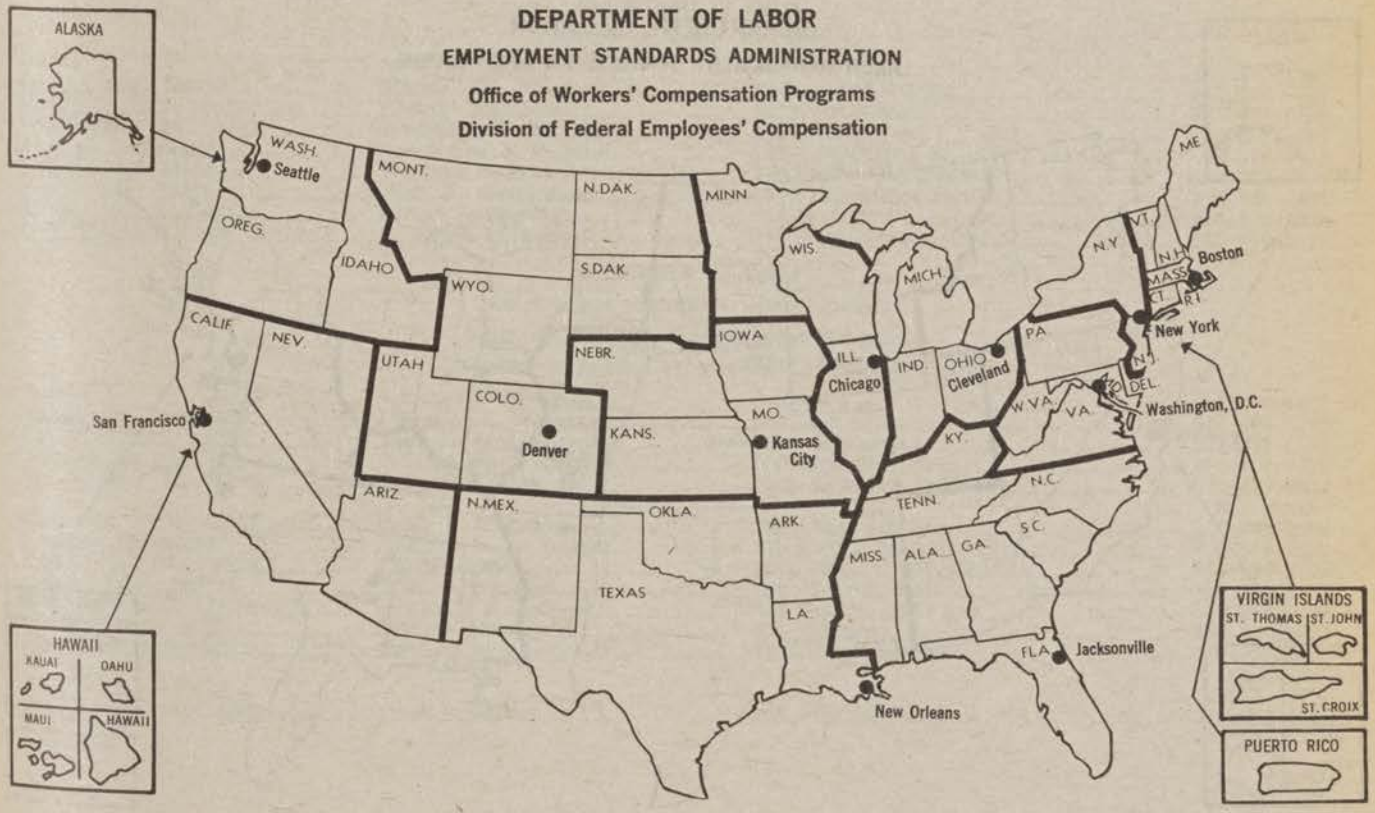
Department of Justice
Board of Parole

Region	Director	Address	Telephone
Northeast	Curtis C. Crawford	Scott Plaza, Industrial Highway, Philadelphia, Pa. 19113	215–547–3668
South Central	William E. Amos	3883 Turtle Creek Blvd., Dallas, Tex. 75219	214–749–7841
Western	Paula A. Tennant	330 Primrose Dr., Burlingame, Calif. 94010	415–347–4737
Southeast	Thomas R. Holsclaw	3500 Greenbriar Pkwy., Atlanta, Ga. 30331	404–526–7415
North Central	Lawrence N. Carpenter	8800 Northwest 112th St., Kansas City, Mo. 64153	816–243–5690

DEPARTMENT OF LABOR
BUREAU OF LABOR STATISTICS



DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
Office of Workers' Compensation Programs
Division of Federal Employees' Compensation

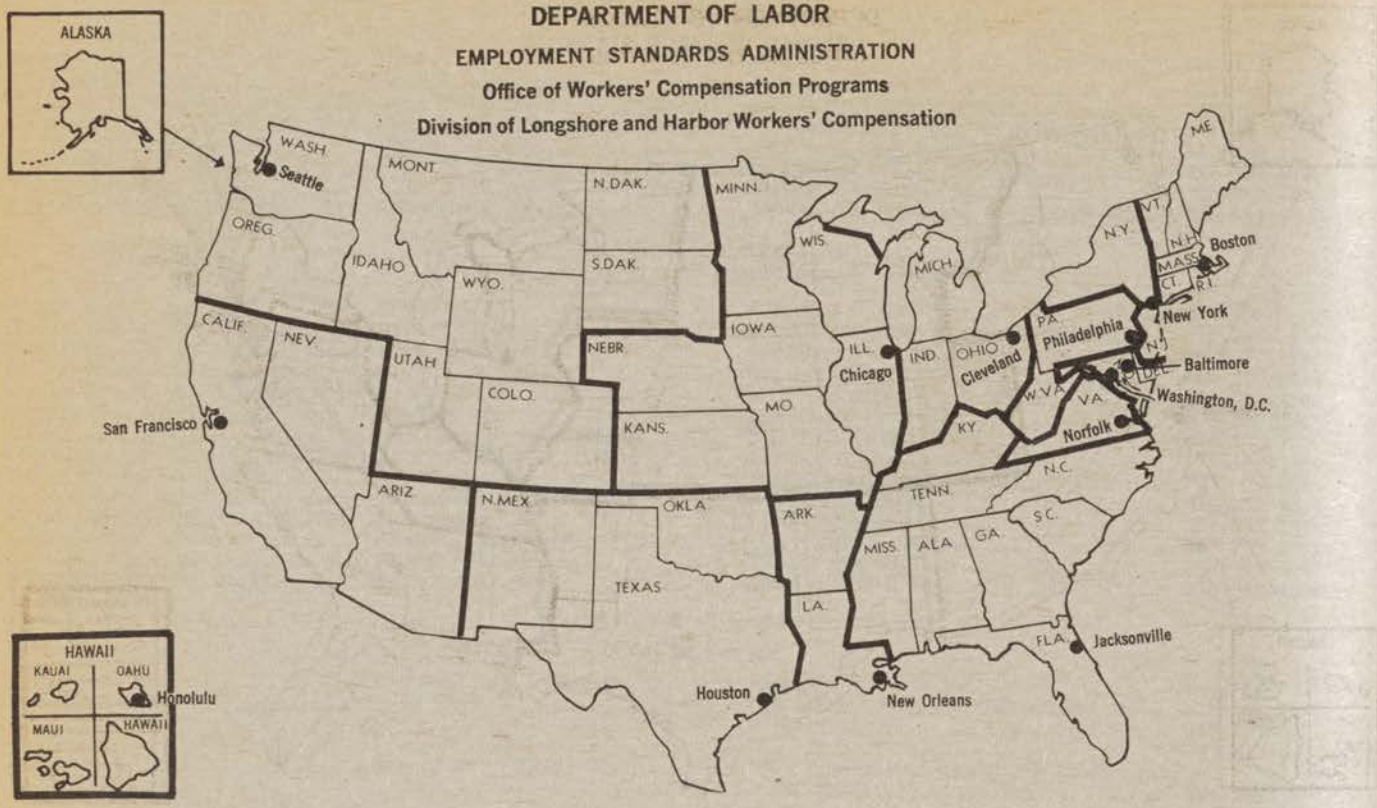


DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION

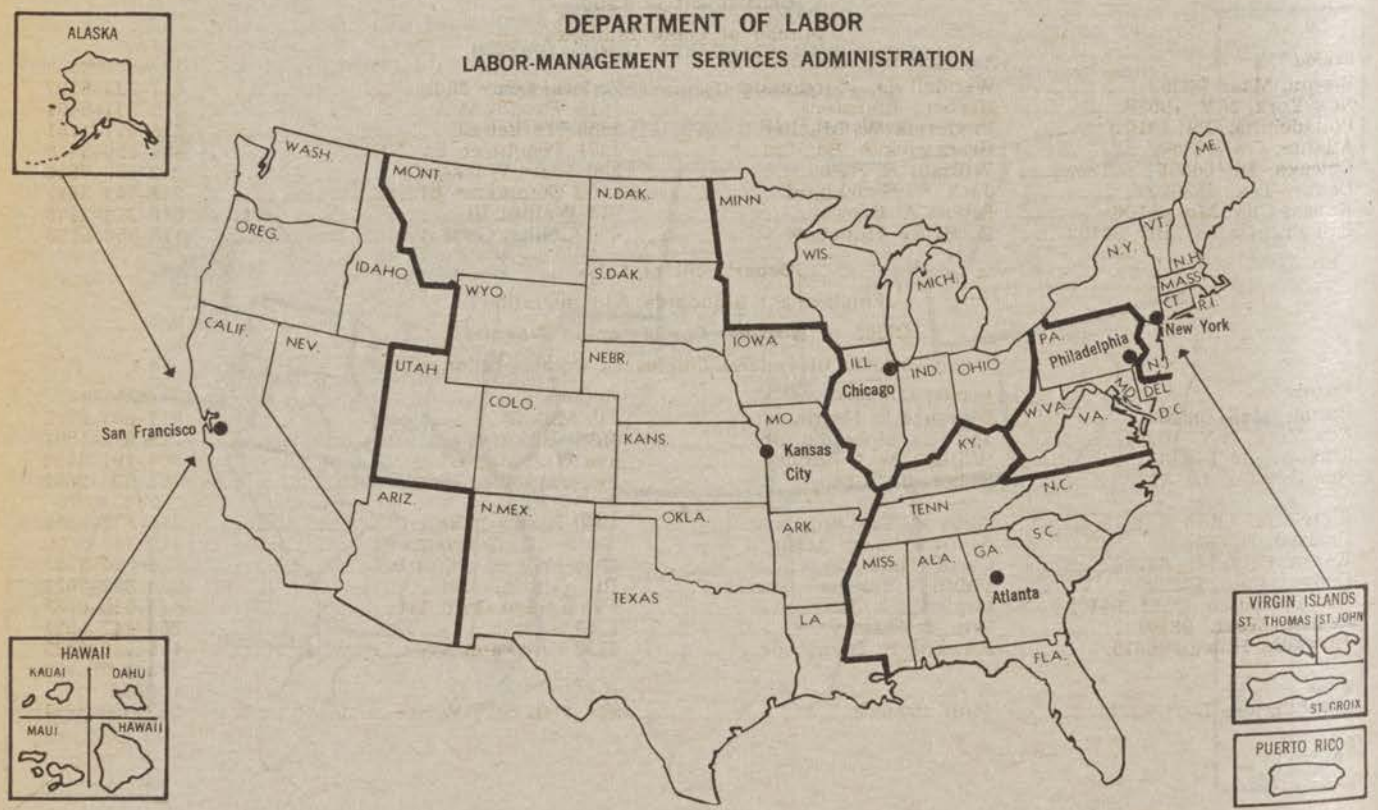
Office of Workers' Compensation Programs

Division of Longshore and Harbor Workers' Compensation



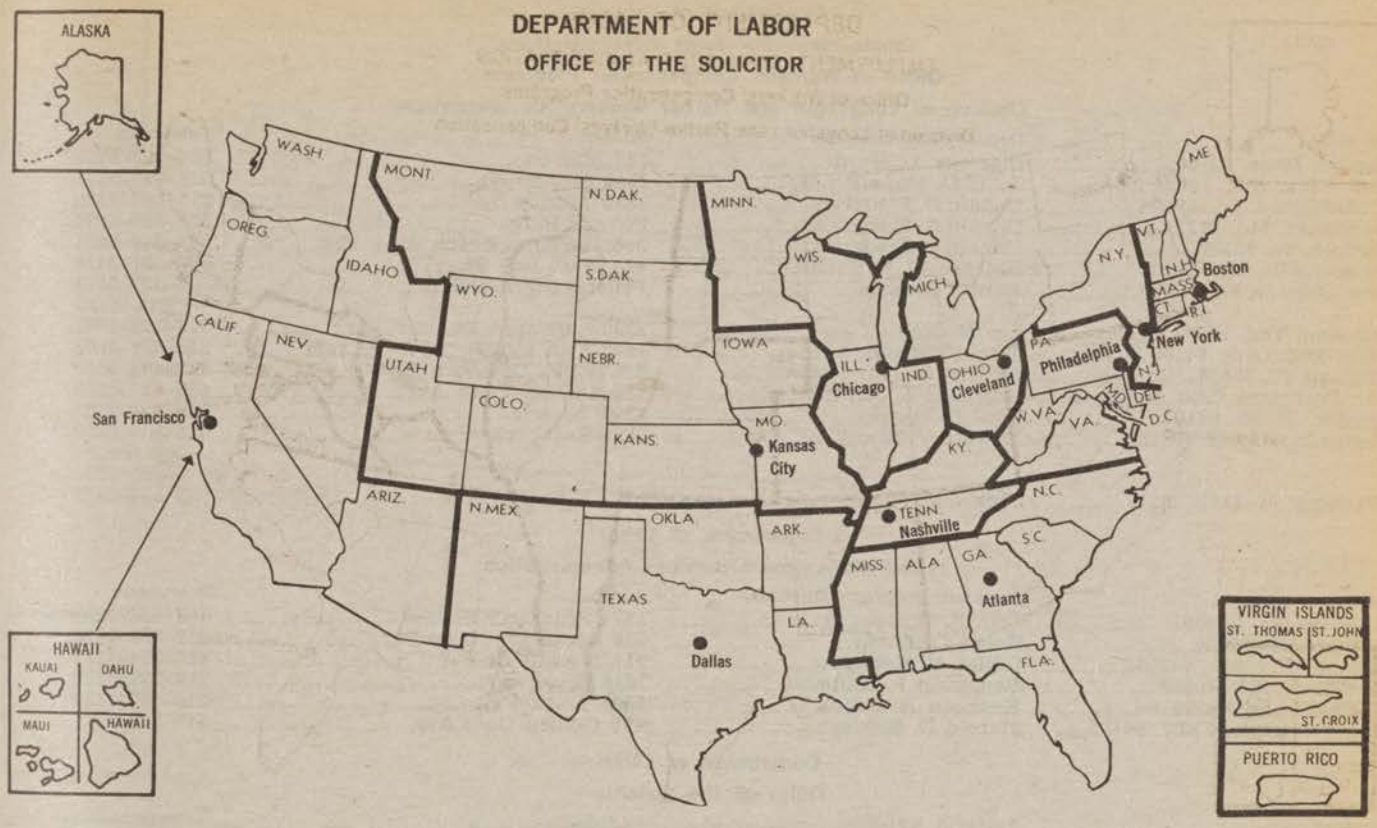
DEPARTMENT OF LABOR

LABOR-MANAGEMENT SERVICES ADMINISTRATION



DEPARTMENT OF LABOR

OFFICE OF THE SOLICITOR



Department of Labor
Bureau of Labor Statistics

Region	Assistant Regional Director	Address	Telephone
Boston, Mass. 02203	Wendell D. Macdonald	Federal Office Bldg	617–223–6727
New York, N.Y. 10036	Herbert Bienstock	1515 Broadway	212–971–5401
Philadelphia, Pa. 19107	Frederick W. Mueller	3535 Market St	215–597–1151
Atlanta, Ga. 30309	Brunswick A. Bagdon	1371 Peachtree St. NE	404–526–5416
Chicago, Ill. 60606	William E. Rice	300 South Wacker Dr	312–353–7226
Dallas, Tex. 75202	Jack F. Strickland	1100 Commerce St	214–749–3641
Kansas City, Mo. 64106	Elliott A. Browar	911 Walnut St	816–374–2378
San Francisco, Calif. 94102	D. Bruce Hanchett	450 Golden Gate Ave	415–556–3178

Department of Labor
Employment Standards Administration
Office of Workers' Compensation Programs
Division of Federal Employees Compensation

District	Deputy Commissioner	Address	Telephone
Boston, Mass. 02109	Clarence L. Heyde	147 Milk St	617–223–6755
New York, N.Y. 10036	John D. McLellan, Jr	1515 Broadway	212–971–5501
Jacksonville, Fla. 32202	William M. O'Keeffe	400 West Bay St	904–791–3428
New Orleans, La. 70130	Robert J. Shea	Federal Office Bldg. South	504–527–2611 Ext. 6135
Cleveland, Ohio 44199	John P. Traynor	1240 East 9th St	216–522–3803
Chicago, Ill. 60604	Andrew Lang, Acting	230 South Dearborn St	312–353–5650
Kansas City, Mo. 64106	Carol Hyer	1910 Federal Office Bldg	816–374–2723
Denver, Colo. 80202	Pablo Villalobos	Rio Grande Bldg	303–837–2611
San Francisco, Calif. 94102	Reginald J. Johnson	450 Golden Gate Ave	415–556–6183
Seattle, Wash. 98101	Wm. L. Massey	1319 2d Ave	206–442–5521
Honolulu, Hawaii 96815	Edward F. Ducey, Jr	1833 Kalakaua Ave	415–556–0220 ask for 955–0266
Washington, D.C. 20211	Paul Prewitt	666 11th St. NW	202–382–3831

Department of Labor

Employment Standards Administration

Office of Workers' Compensation Programs

Division of Longshore and Harbor Workers' Compensation

District	Deputy Commissioner	Address	Telephone
Boston, Mass. 02109	Clarence L. Heyde	147 Milk St	617–223–6755
New York, N.Y. 10036	John D. McLellan, Jr	1515 Broadway	212–971–5501
Philadelphia, Pa. 19104	Donald C. Frederick	3535 Market St	215–597–1180
Baltimore, Md. 21201	Donald C. Frederick	Federal Bldg	301–962–3677
Norfolk, Va. 23502	Donald C. Frederick	3661 Virginia Beach Blvd. East	703–441–6651
Jacksonville, Fla. 32202	William M. O'Keeffe	400 West Bay St	904–791–3428
New Orleans, La. 70130	Robert J. Shea	Federal Office Bldg. S	504–527–2611 Ext. 6135
Houston, Tex. 77004	Lee H. Hollis	2320 LaBranch St	713–226–5801
Cleveland, Ohio 44199	John P. Traynor	1240 East 9th St	216–522–3803
Chicago, Ill. 60604	Andrew L. Lang, Acting	230 South Dearborn St	312–353–5650
San Francisco, Calif. 94102	Reginald J. Johnson	450 Golden Gate Ave	415–556–6183
Seattle, Wash. 98101	Wm. L. Massey	1319 2d Ave	206–442–5521
Honolulu, Hawaii 96815	Edward F. Ducey, Jr	1833 Kalakaua Ave	415–556–0220 ask for 955–0266
Washington, D.C. 20211	Jack Garrell	1717 K St. NW	202–254–3472

Department of Labor

Labor-Management Services Administration

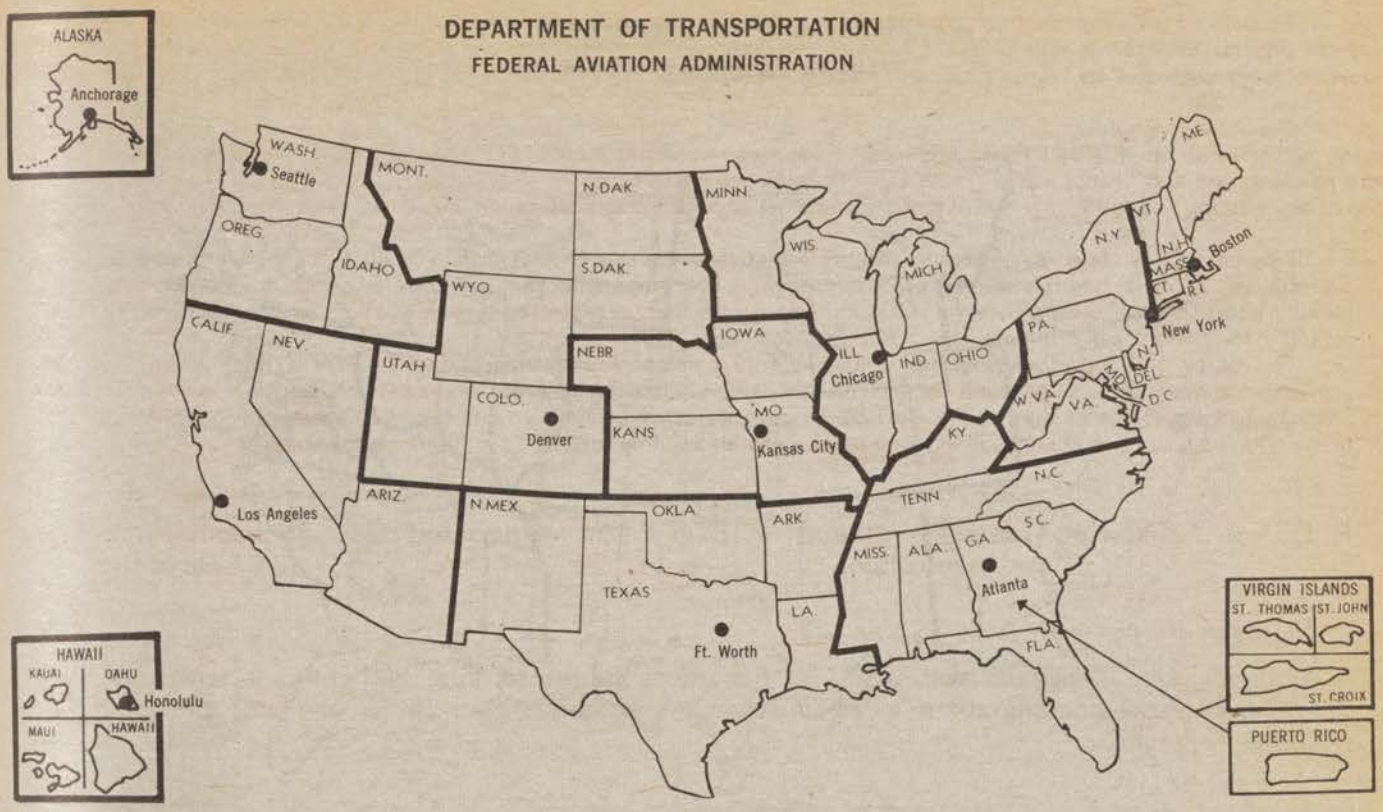
Region	Assistant Regional Director	Address	Telephone
Atlanta, Ga. 30309	Lem R. Bridges	1371 Peachtree St. NE	404–526–5237
Chicago, Ill. 60604	Rocco DeMarco	230 South Dearborn St	312–353–1920
Kansas City, Mo. 64106	Cullen P. Keough	911 Walnut St	816–374–5131
New York, N.Y. 10036	Benjamin B. Naumoff	1515 Broadway	212–971–7031
Philadelphia, Pa. 19104	Kenneth R. Evans	3535 Market St	215–597–1134
San Francisco, Calif. 94102	Harold D. Huxley	450 Golden Gate Ave	415–556–5915

Department of Labor

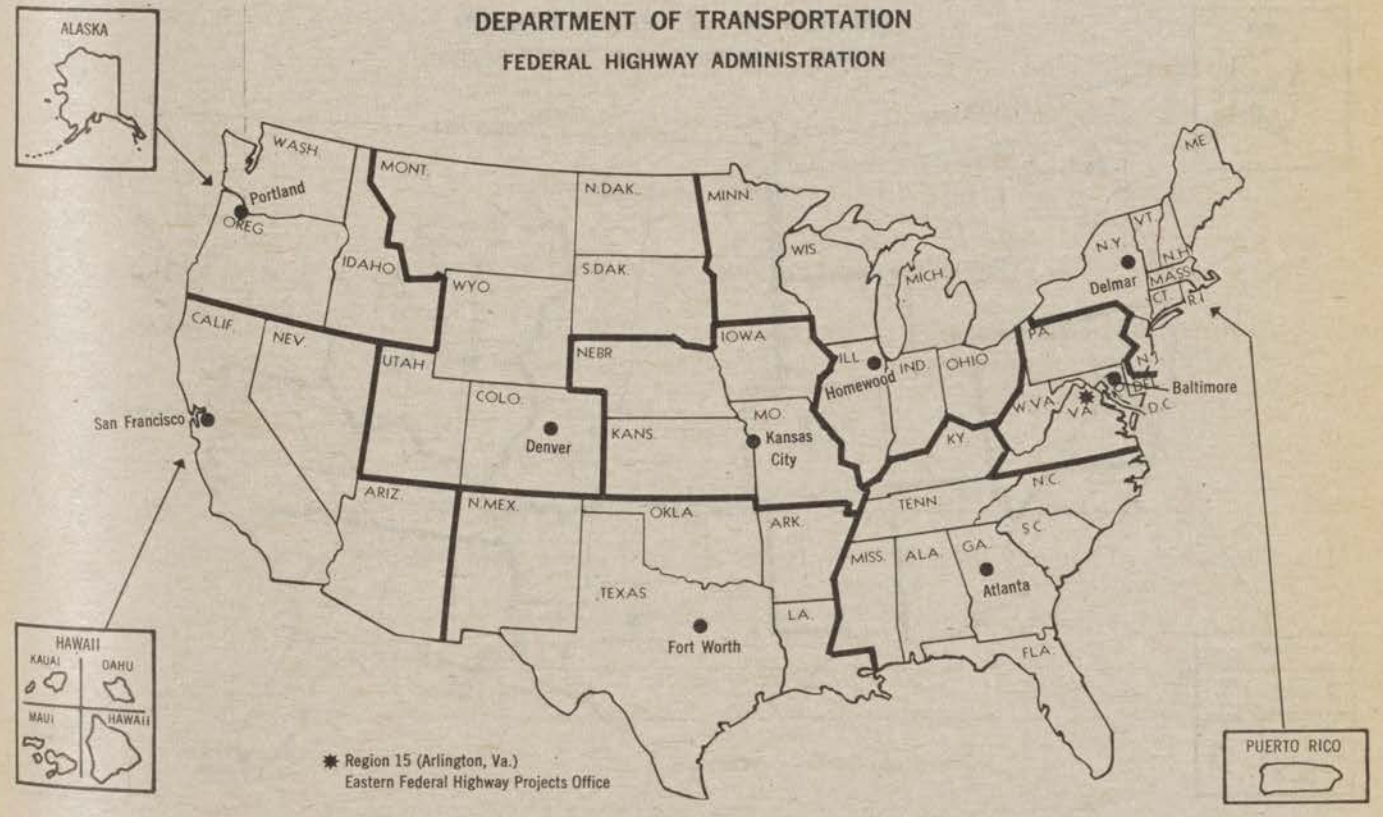
Office of the Solicitor

Region	Regional Solicitor	Address	Telephone
Boston, Mass. 02203	Albert H. Ross	John F. Kennedy Federal Bldg	617–223–6701
New York, N.Y. 10036	Francis V. LaRuffa	1515 Broadway	212–971–7546
Philadelphia, Pa. 19104	Louis Weiner	3535 Market St	215–597–1126
Atlanta, Ga. 30309	Beverley R. Worrell	1371 Peachtree St. NE	404–526–5811
Chicago, Ill. 60604	Herman Grant	230 South Dearborn St	312–353–7256
Kansas City, Mo. 64106	Tedrick A. Housh	911 Walnut St	816–374–2281
Dallas, Tex. 75202	George T. Avery	1100 Commerce St	214–749–3482
San Francisco, Calif. 94102	Altero D'Agostini	450 Golden Gate Ave	415–556–4042
Nashville, Tenn. 37203	Marvin Tincher, Regional Attorney	801 Broad St	615–749–5761
Santurce, P.R. 00908	Morton J. Marks, Regional Attorney	P.O. Box 9092	106–8–0–723–4708

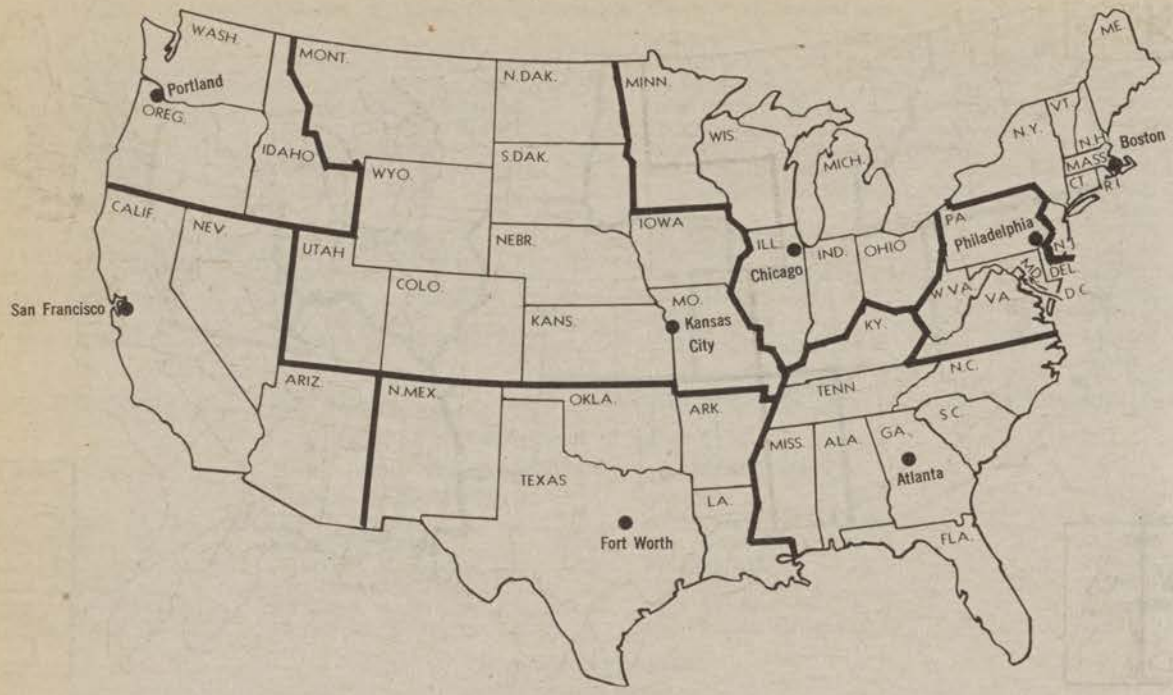
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION



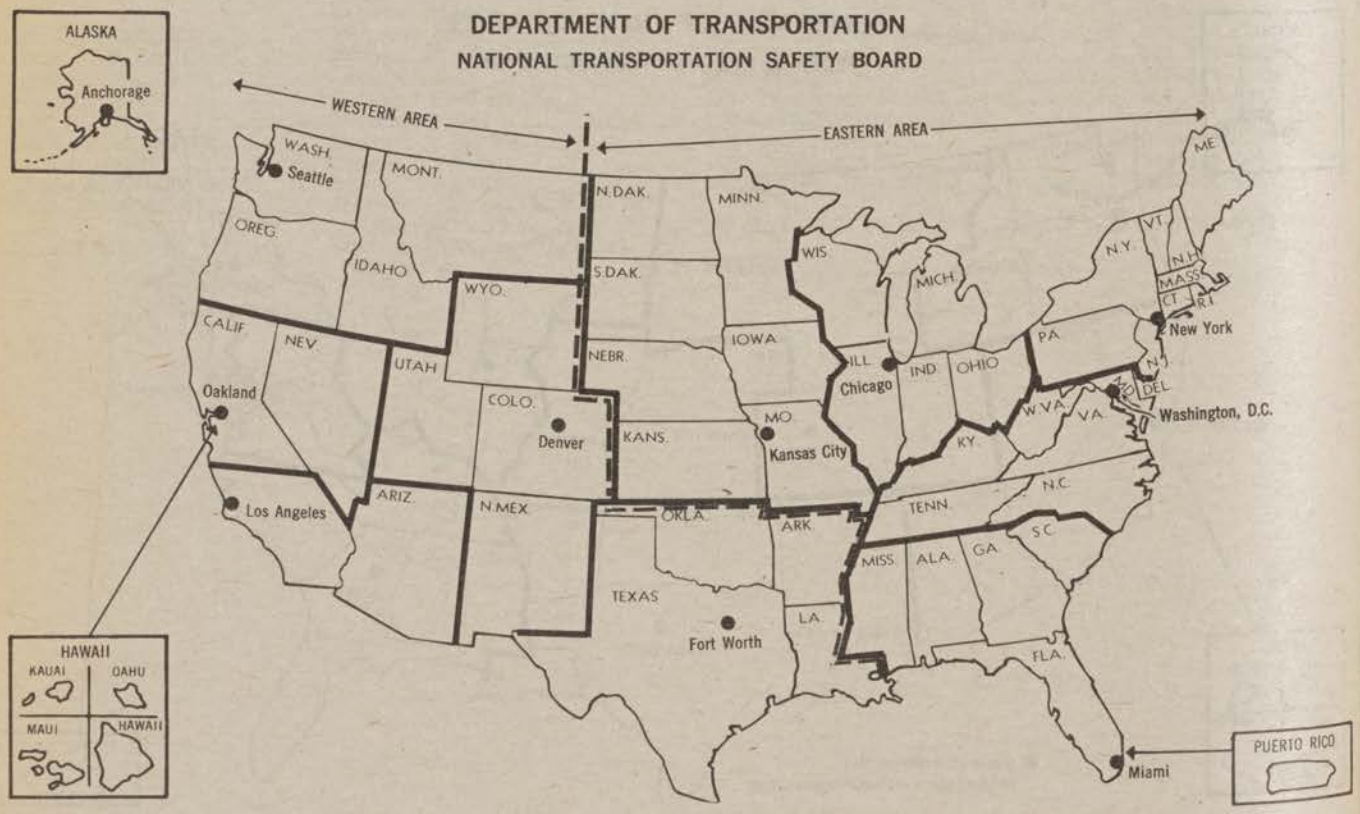
DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION



DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

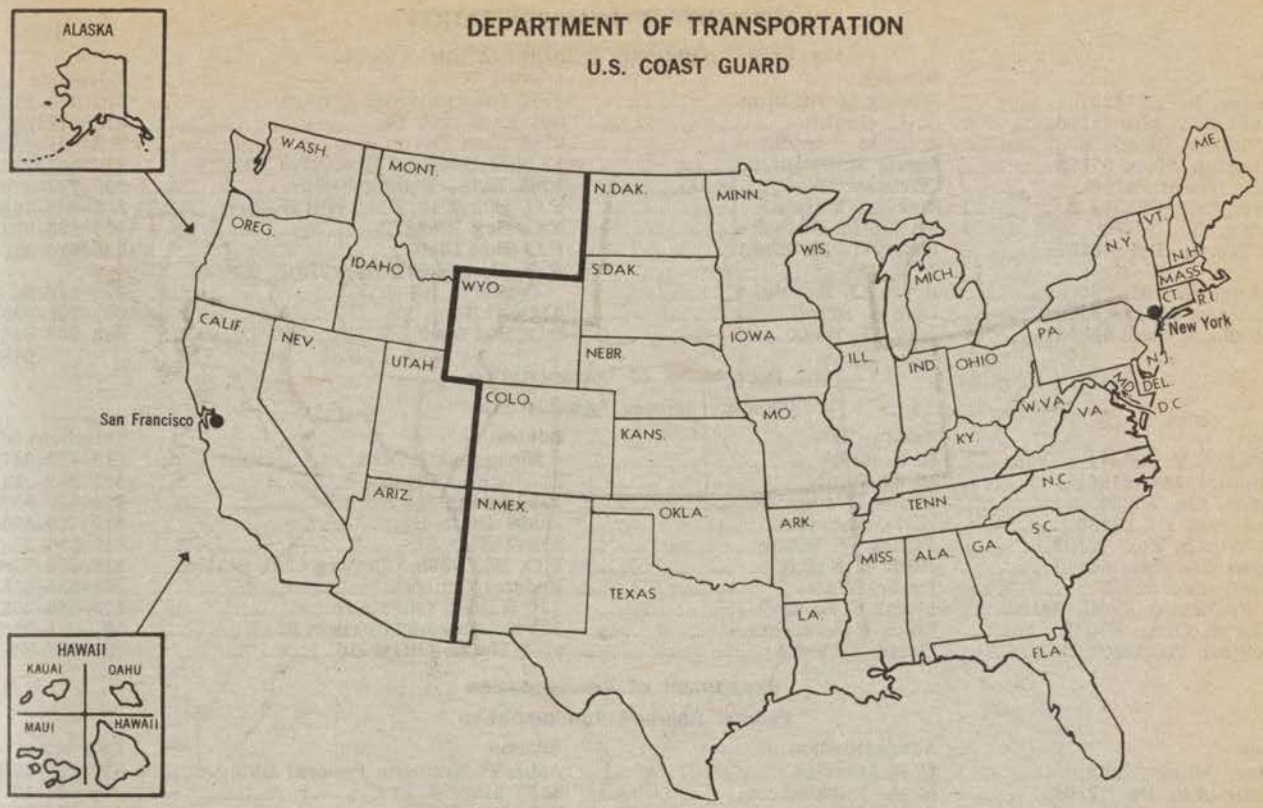


DEPARTMENT OF TRANSPORTATION
NATIONAL TRANSPORTATION SAFETY BOARD



DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD



Department of Transportation
Federal Aviation Administration

Region	Director	Address	Telephone
Jamaica, N.Y. 11430	Robert H. Stanton	JFK International Airport	212–995–3333
Kansas City, Mo. 64106	A. L. Coulter	601 East 12th St	816–374–5626
Des Plaines, Ill. 60018	John M. Cyrocki	2300 East Devon Ave	312–694–4500
Burlington, Mass. 01803	Ferris Howland	12 New England Executive Park	617–467–7201
Seattle, Wash. 98108	Christian Walk	FAA Bldg., Boeing Field	206–767–2780
Denver, Colo. 80207	Mervyn Martin	P.O. Box 7213, Park Hill Station	303–837–3646
Atlanta, Ga. 30320	Phillip M. Swatek	P.O. Box 20636	404–526–7222
Fort Worth, Tex. 76101	Henry L. Newman	P.O. Box 1689	817–624–6200
Los Angeles, Calif. 90009	Arvin O. Basnight	P.O. Box 92007, Worldway Postal Center	213–536–6435
Anchorage, Alaska 99501	Lyle K. Brown	632 6th Ave	907–265–4201
Honolulu, Hawaii 96813	Jack G. Webb	P.O. Box 4009	808–955–0401 0452

Department of Transportation
Federal Highway Administration

Region	Administrator	Address	Telephone (FTS)
Delmar, N.Y. 12054	R. E. Kirby	4 Normanskill Blvd	518–472–6476
Baltimore, Md. 21201	W. H. White	31 Hopkins Plaza	301–962–2361
Atlanta, Ga. 30309	James D. Lacy	1720 Peachtree Rd. NW	404–526–5078
Homewood, Ill. 60430	H. L. Anderson	18209 Dixie Hwy	312–799–6300
Fort Worth, Tex. 76102	James W. White	819 Taylor St	817–334–3232
Kansas City, Mo. 64113	John B. Kemp	P.O. Box 7186, Country Club Station	816–926–7563
Denver, Colo. 80225	Daniel Watt	Federal Center	303–234–4051
San Francisco, Calif. 94102	Frank E. Hawley	450 Golden Gate Ave	415–556–3951
Portland, Oreg. 97024	Louis E. Lybecker	222 Southwest Morrison St	503–221–2065
Arlington, Va. 22201	David S. Gedney	1000 North Glebe Rd	703–557–9070

Department of Transportation
Federal Railroad Administration

Region	Administration	Address	Telephone
Boston, Mass. 02203	C. R. Meyrick	John F. Kennedy Federal Bldg	617–223–2775
Philadelphia, Pa. 19104	R. A. Johnson	3535 Market St	215–597–1075
Atlanta, Ga. 30320	J. F. McLellen	P.O. Box 20636	404–526–7381
Chicago, Ill. 60605	G. R. McConnell	536 South Clark St	312–353–6203
Fort Worth, Tex. 76102	D. R. Holmes	Federal Bldg	817–334–3601
Portland, Oreg. 97204	E. H. Anderson	319 Southwest Pine St	503–221–3011
San Francisco, Calif. 94102	A. L. Hynes	450 Golden Gate Ave	415–556–6632
Kansas City, Mo. 64106	W. F. Callicotte	Federal Office Bldg	816–374–2497

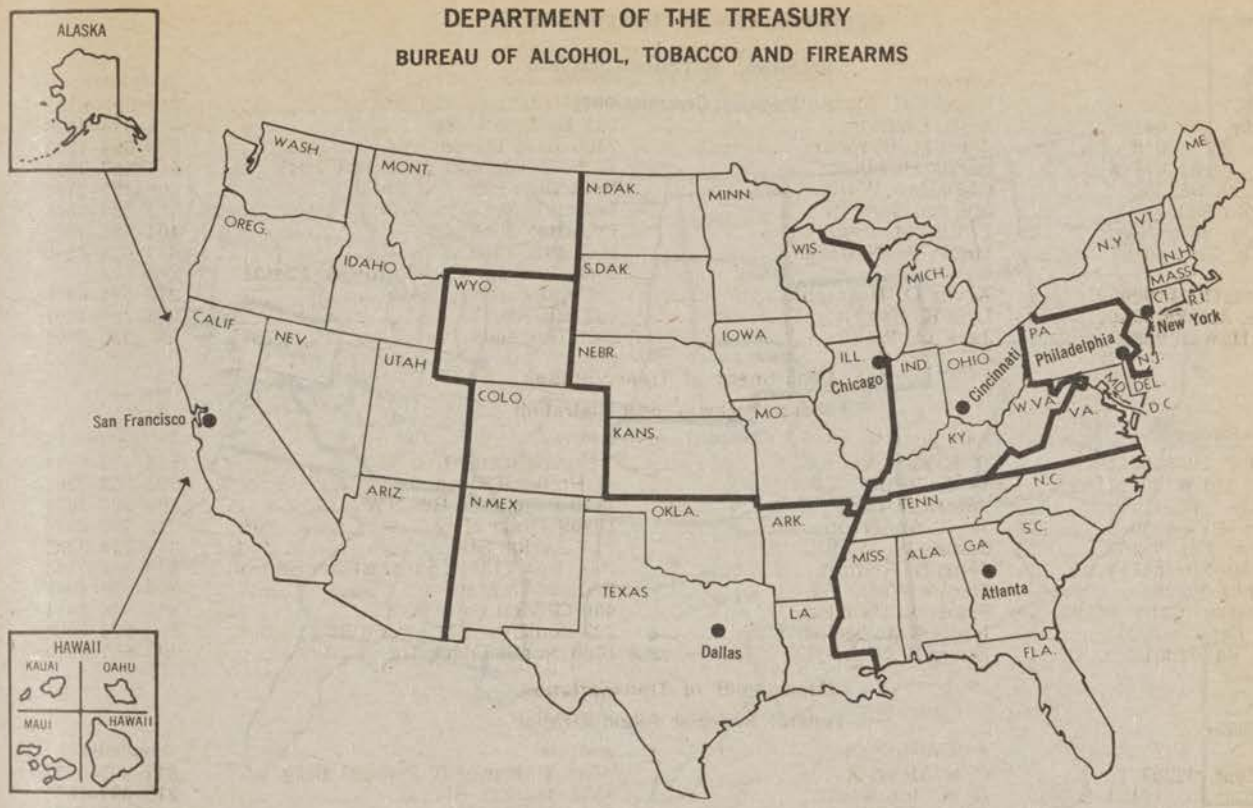
Department of Transportation
National Transportation Safety Board

Region	Chief	Address	Telephone
EASTERN			
Washington, D.C. 20041	Richard G. Rodriguez	P.O. Box 17226, Gateway Bldg. No. 1, Dulles International Airport	703–471–1200
Miami, Fla. 33148	Arthur E. Neumann	P.O. Box 481245, Miami International Airport	305–885–2444
Des Plaines, Ill. 60018	George J. Green	2300 East Devon Ave	312–827–8858
Kansas City, Mo. 64106	Bruce G. Hoch	601 East 12th St	816–374–3576
Jamaica, N.Y. 11430	(Vacancy)	Federal Bldg., JFK International Airport	212–995–3716
WESTERN			
Anchorage, Alaska 99501	Franklin Malone	632 6th Ave	907–277–0593
Fort Worth, Tex. 76102	George R. Clark	819 Taylor St	817–334–2616
Los Angeles, Calif. 90045	(Vacancy)	8939 South Sepulveda Blvd	213–776–0117
Oakland, Calif. 94621	Ivan R. Stracener	7700 Edgewater Dr	415–568–1290
Aurora, Colo. 80010	George R. Baker	10255 East 25th Ave	303–837–4492
Seattle, Wash. 98108	Willard P. Peterson	9010 East Marginal Way South	206–763–2810

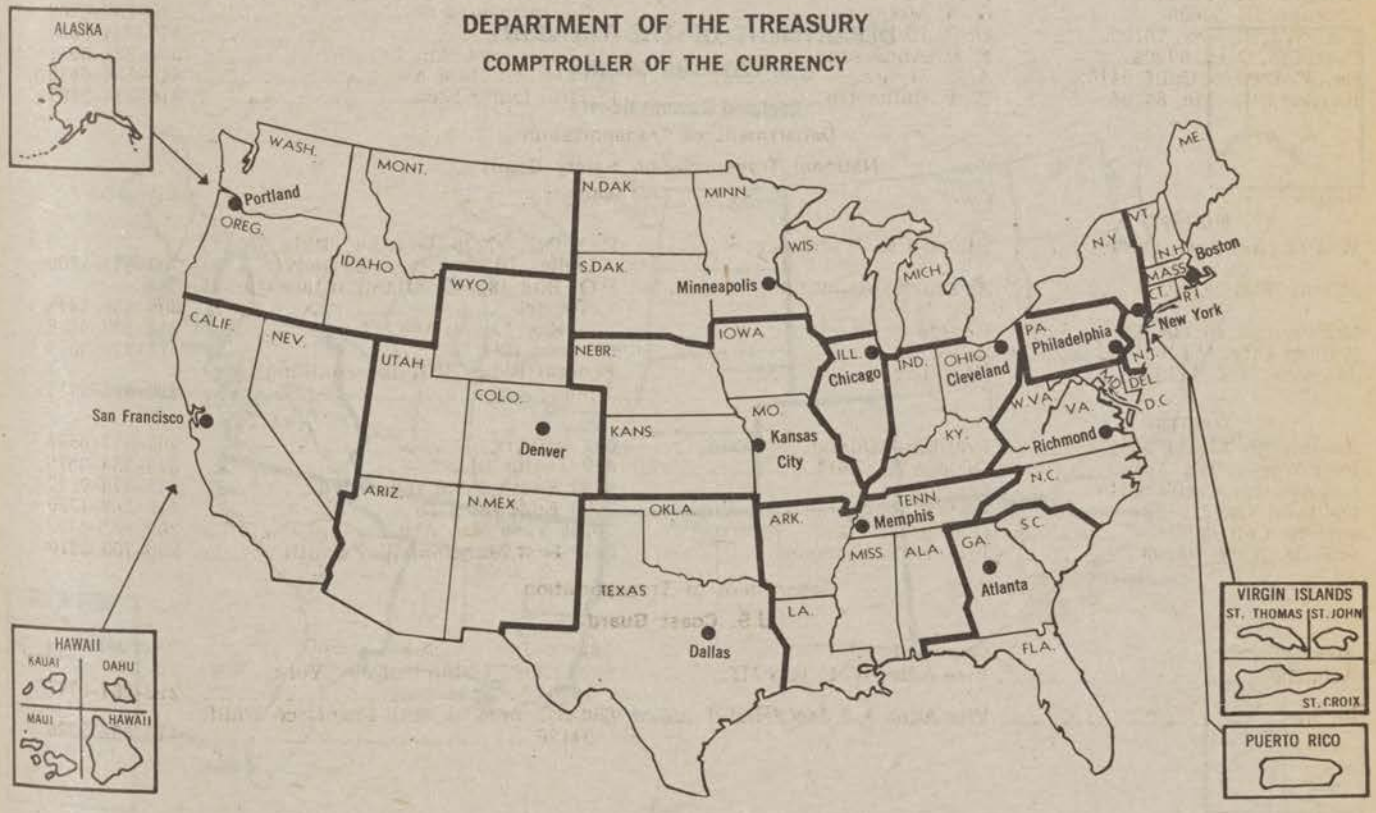
Department of Transportation
U.S. Coast Guard

Area	Commander	Address	Telephone
Atlantic	Vice Adm. W. F. Rea III	Governor's Island, New York, N.Y. 10004	212–264–8743
Pacific	Vice Adm. J. J. McClelland	630 Sansome St., San Francisco, Calif. 94126	415–556–5326

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS



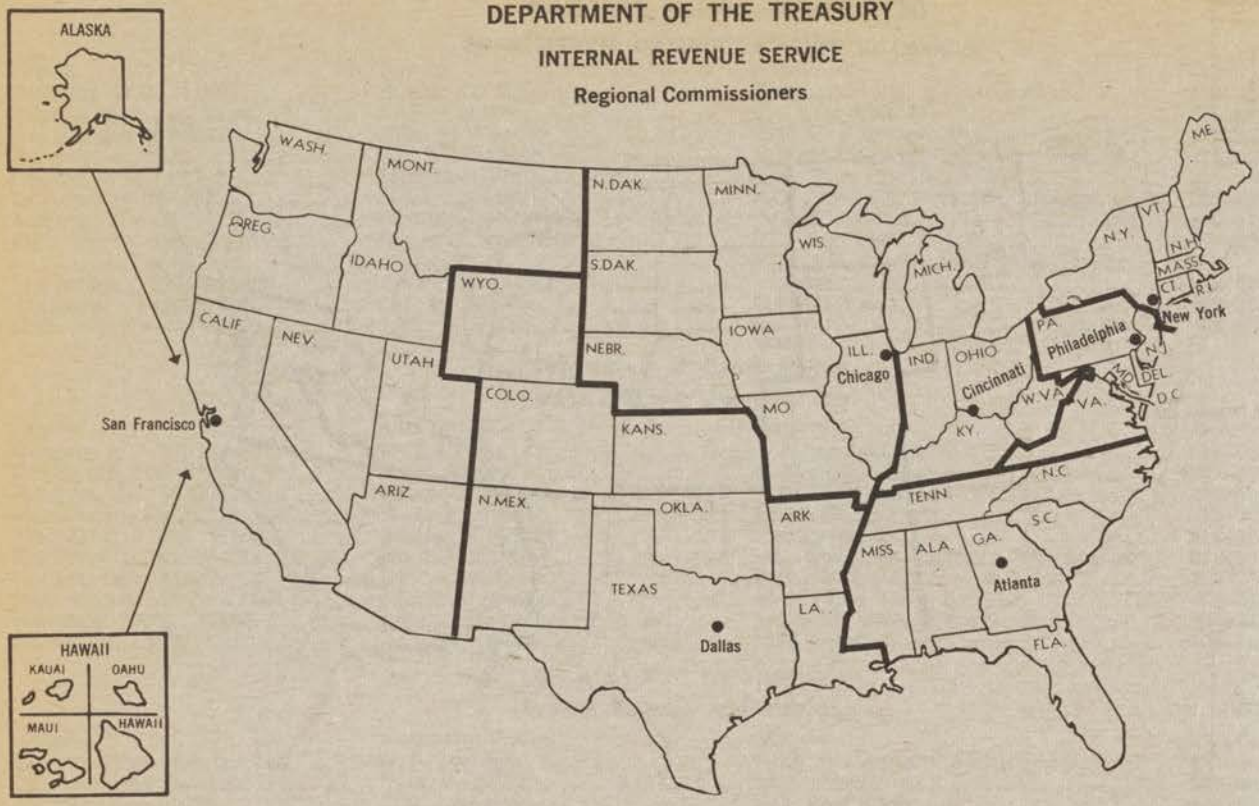
DEPARTMENT OF THE TREASURY
COMPTROLLER OF THE CURRENCY



DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

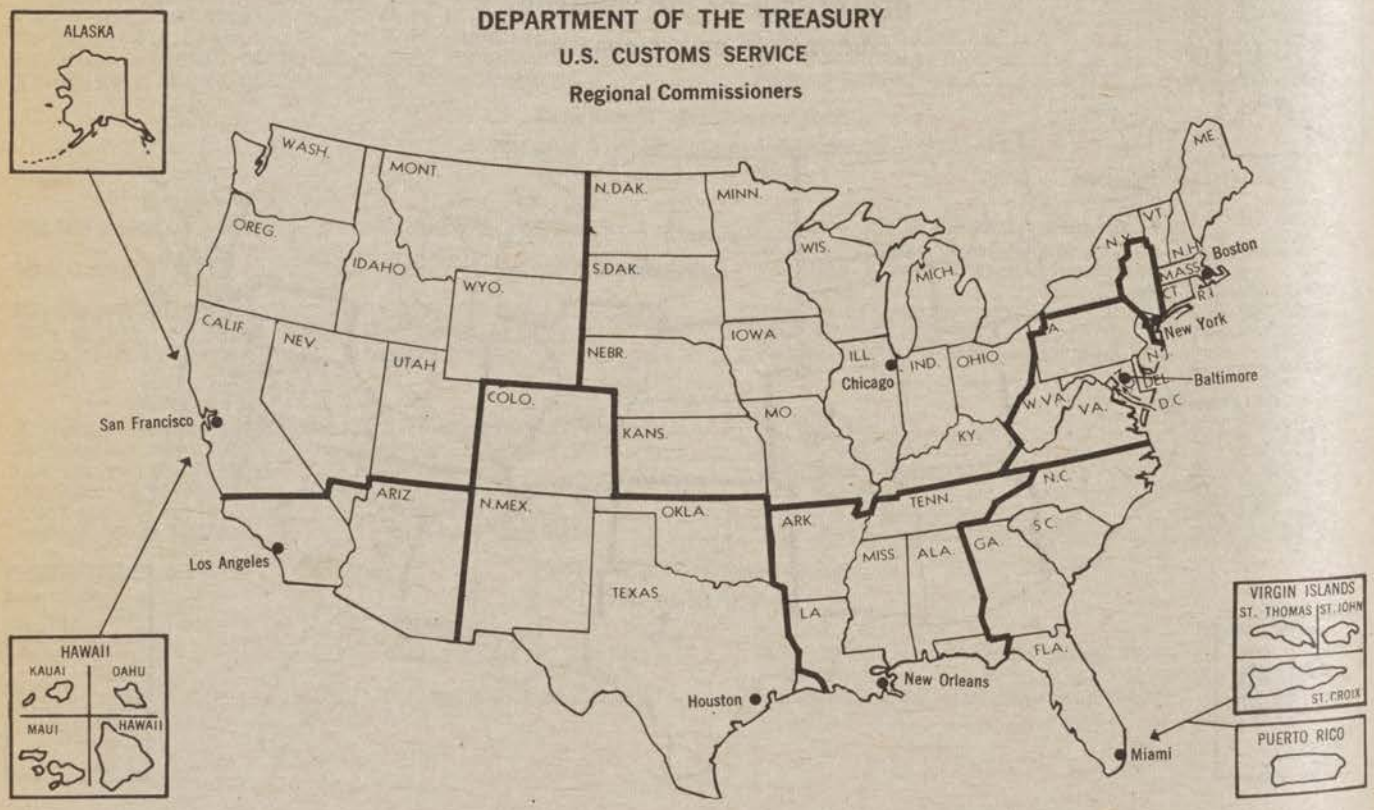
Regional Commissioners



DEPARTMENT OF THE TREASURY

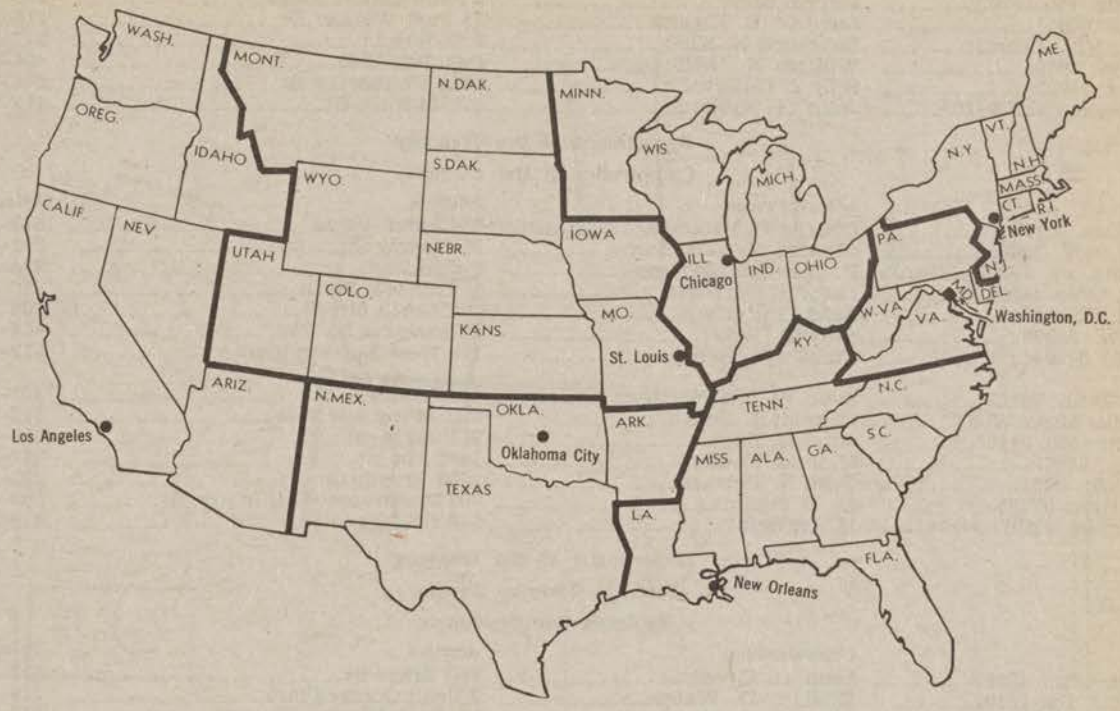
U.S. CUSTOMS SERVICE

Regional Commissioners



DEPARTMENT OF THE TREASURY

U.S. SAVINGS BONDS DIVISION



Department of the Treasury

Bureau of Alcohol, Tobacco and Firearms

Region	Director	Address	Telephone
Cincinnati, Ohio 45202	Fred H. Murrell	6519 Federal Office Bldg	513–684–3331
Philadelphia, Pa. 19102	Marvin Shaw	2 Penn Center Plaza	215–597–2214
Chicago, Ill. 60601	Stephen E. Higgins	35 East Wacker Dr	312–353–3778
New York, N.Y. 10008	Raymond N. Kiely	P.O. Box 15	212–264–7448
Atlanta, Ga. 30301	William N. Griffin	P.O. Box 2009	404–455–2631
Dallas, Tex. 75202	Billy L. Gaunt	1114 Commerce St	214–749–2853
San Francisco, Calif. 94102	John G. Krogman	870 Market St	415–556–6084

Department of the Treasury

Comptroller of the Currency

Region	Administrator	Address	Telephone (FTS)
Boston, Mass. 02108	Charles H. Paterson	3 Center Plaza	617–223–2274
New York, N.Y. 10005	Charles M. Van Horn	33 Liberty St	212–264–4380
Philadelphia, Pa. 19102	R. Coleman Egertson	3 Parkway	215–597–7105
Cleveland, Ohio 44114	Larry T. Gerzema	1 Erieview Plaza	216–522–4870
Richmond, Va. 23240	John G. Hensel	400 North 8th St	804–782–2406
Atlanta, Ga. 30303	Billy C. Wood	2 Peachtree St. NW	404–526–6625
Chicago, Ill. 60604	Charles B. Hall	164 West Jackson Blvd	312–353–4676 4678
Memphis, Tenn. 38103	John W. Shaffer, Jr	165 Madison Ave	901–534–3376
Minneapolis, Minn. 55402	Donald B. Smith	822 Marquette Ave	612–725–2922
Kansas City, Mo. 64105	John R. Burt	911 Main St	816–374–3476
Dallas, Tex. 75202	Michael Doman	1401 Elm St	214–749–7291
Denver, Colo. 80202	John R. Thomas	1600 Broadway	303–837–4883
Portland, Oreg. 97205	M. B. Adams	707 Southwest Washington St	503–221–3091
San Francisco, Calif. 94104	H. Joe Selby	555 California St	415–556–6619

Department of the Treasury

Internal Revenue Service

Regional Commissioners

Region	Commissioner	Address	Telephone
Cincinnati, Ohio 45202	Leon C. Green	550 Main St	513–684–3613
Philadelphia, Pa. 19102	William D. Waters	2 Penn Center Plaza	215–597–2040
Chicago, Ill. 60601	Edwin P. Trainor	35 East Wacker Dr	312–353–3700
New York, N.Y. 10007	Elliott H. Gray	90 Church St	212–264–7061
Atlanta, Ga. 30303	Andrew J. O'Donnell, Jr	275 Peachtree St. NE	404–526–6048
Dallas, Tex. 75202	Walter T. Coppinger	1114 Commerce St	214–749–2344
San Francisco, Calif. 94102	Thomas A. Cardoza	870 Market St	415–556–4021

Department of the Treasury

U.S. Customs Service

Regional Commissioners

Region	Commissioner	Address	Telephone
Boston, Mass. 02203	William J. Griffin	John F. Kennedy Federal Bldg	617–223–7506
New York, N.Y. 10048	Fred R. Boyett	6 World Trade Center	212–466–4444
Baltimore, Md. 21202	Paul Lawrence	40 South Gay St	301–962–3516
Miami, Fla. 33166	Dennis T. Snyder, Acting	7370 Northwest 36th St	305–350–5952
New Orleans, La. 70113	Charles Fisher	701 Loyola Ave	504–527–6324
Houston, Tex. 77002	Cleburne M. Maier	500 Dallas Ave	713–226–4893
Los Angeles, Calif. 90012	Albert G. Bergeson	300 North Los Angeles St	213–688–5900
San Francisco, Calif. 94102	Roland Raymond	450 Golden Gate Ave	415–556–3500
Chicago, Ill. 60603	Jack T. Lacy	55 East Monroe St	312–353–4731

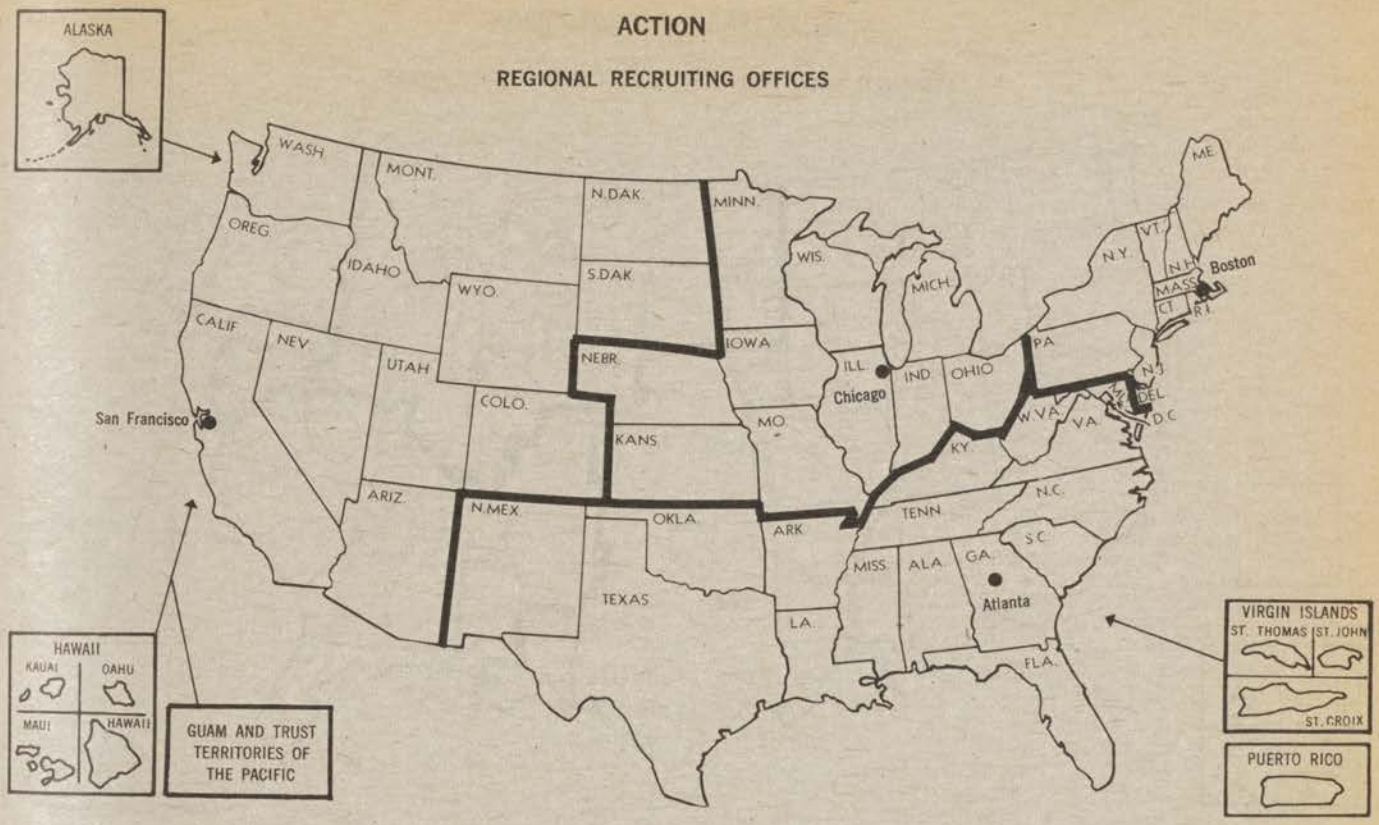
Department of the Treasury

U.S. Savings Bonds Division

Region	Director	Address	Telephone (FTS)
New York, N.Y. 10007	Nathan L. Fial	26 Federal Plaza	212–264–1155
Washington, D.C. 20008	Willard C. Ridley	4201 Connecticut Ave. NW	202–964–5704
New Orleans, La. 70113	Raphael H. Morvant	701 Loyola Ave	504–527–6105
Chicago, Ill. 60606	Clarence S. Sochowski	1 North Wacker Dr	312–353–6753
Oklahoma City, Okla. 73102	Dave O. Vandivier	Post Office Bldg	405–231–4101
St. Louis, Mo. 63101	Oscar P. Drake, Jr	1015 Locust St	314–622–5851
Los Angeles, Calif. 90024	J. Quent Williams	1333 Westwood Blvd	213–824–7791

ACTION

REGIONAL RECRUITING OFFICES



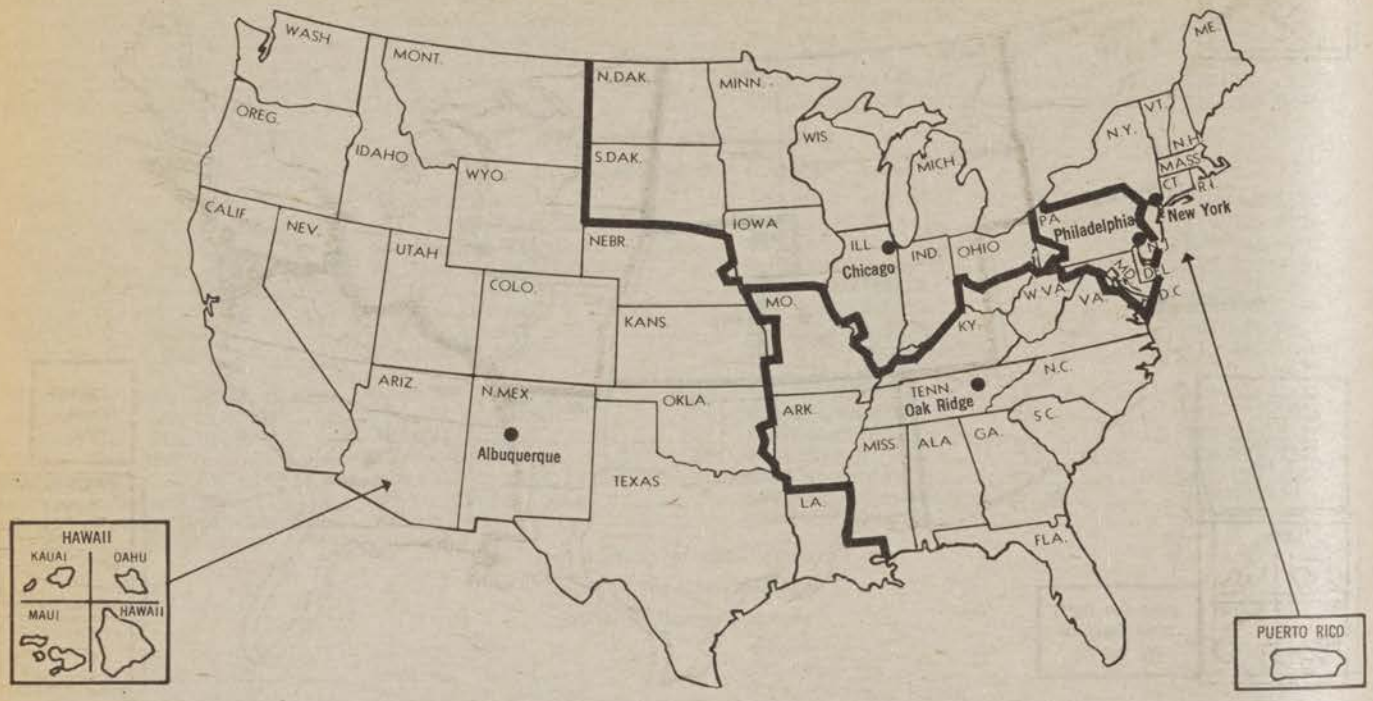
ACTION

Regional Recruiting Offices

Region	Director	Address	Telephone
Boston, Mass. 02109	Vinette Jones	John W. McCormack Post Office and Courthouse Bldg	617–223–4291
Atlanta, Ga. 30309	James St. Clair	730 Peachtree St. NE	404–526–2271
Chicago, Ill. 60606	James Klatt, Acting	1 North Wacker Dr	312–353–4490
San Francisco, Calif. 94102	Donald Brown	100 McAllister St	415–556–1724

ATOMIC ENERGY COMMISSION

ASSIGNED FACILITIES CONTRACT COMPLIANCE OFFICES

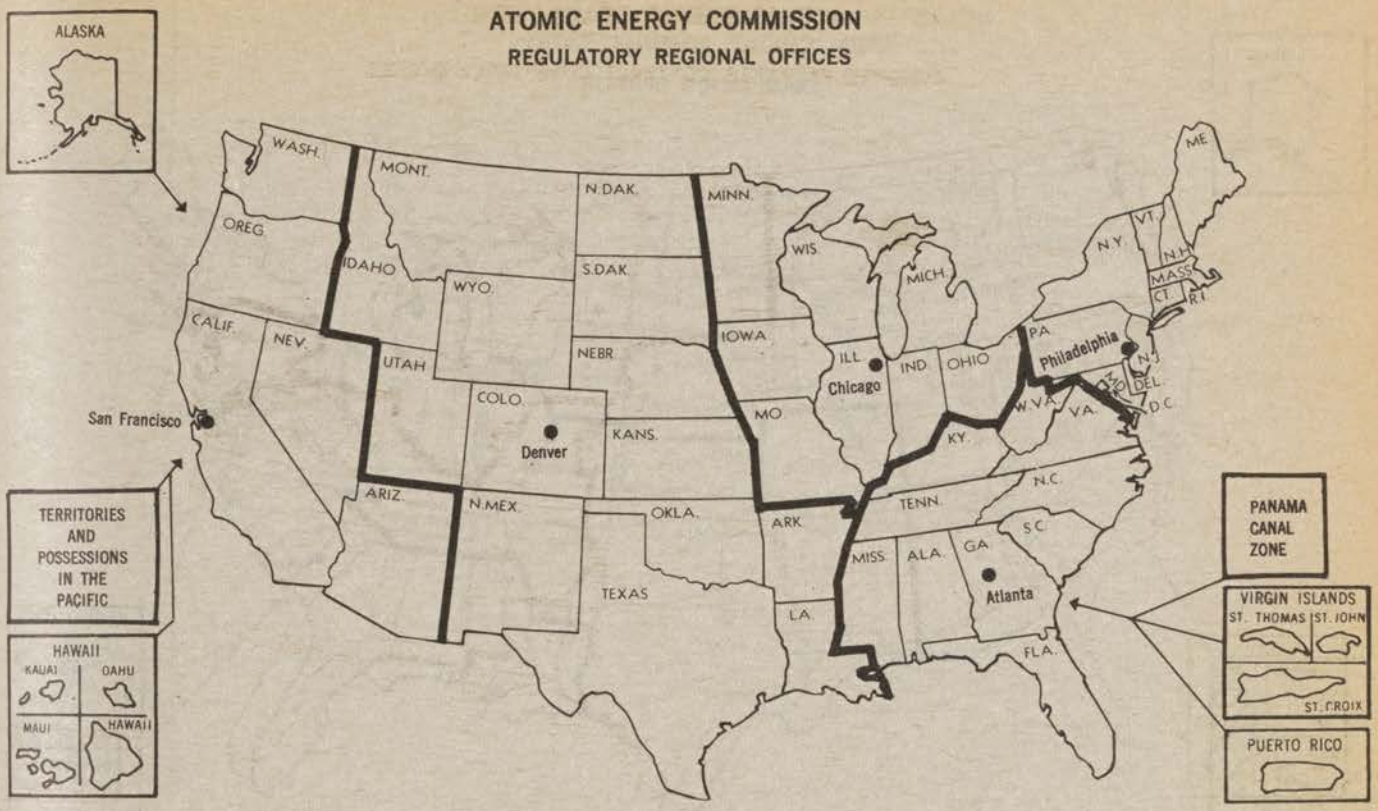


Atomic Energy Commission

Assigned Facilities Contract Compliance Offices

Region	Director	Address	Telephone
Albuquerque, N. Mex. 87115	Guy W. McCarty	P.O. Box 5400	505–264–6980
Chicago, Ill. 60430	Ben L. West	9800 South Cass Ave	312–739–2091
New York, N.Y. 10014	Craig K. Zane	376 Hudson St	212–620–3657
Oak Ridge, Tenn. 37830	Roy Hull	P.O. Box E	615–483–4291
Philadelphia, Pa. 19108	Juanita Smith	600 Arch St	215–597–0485

ATOMIC ENERGY COMMISSION
REGULATORY REGIONAL OFFICES

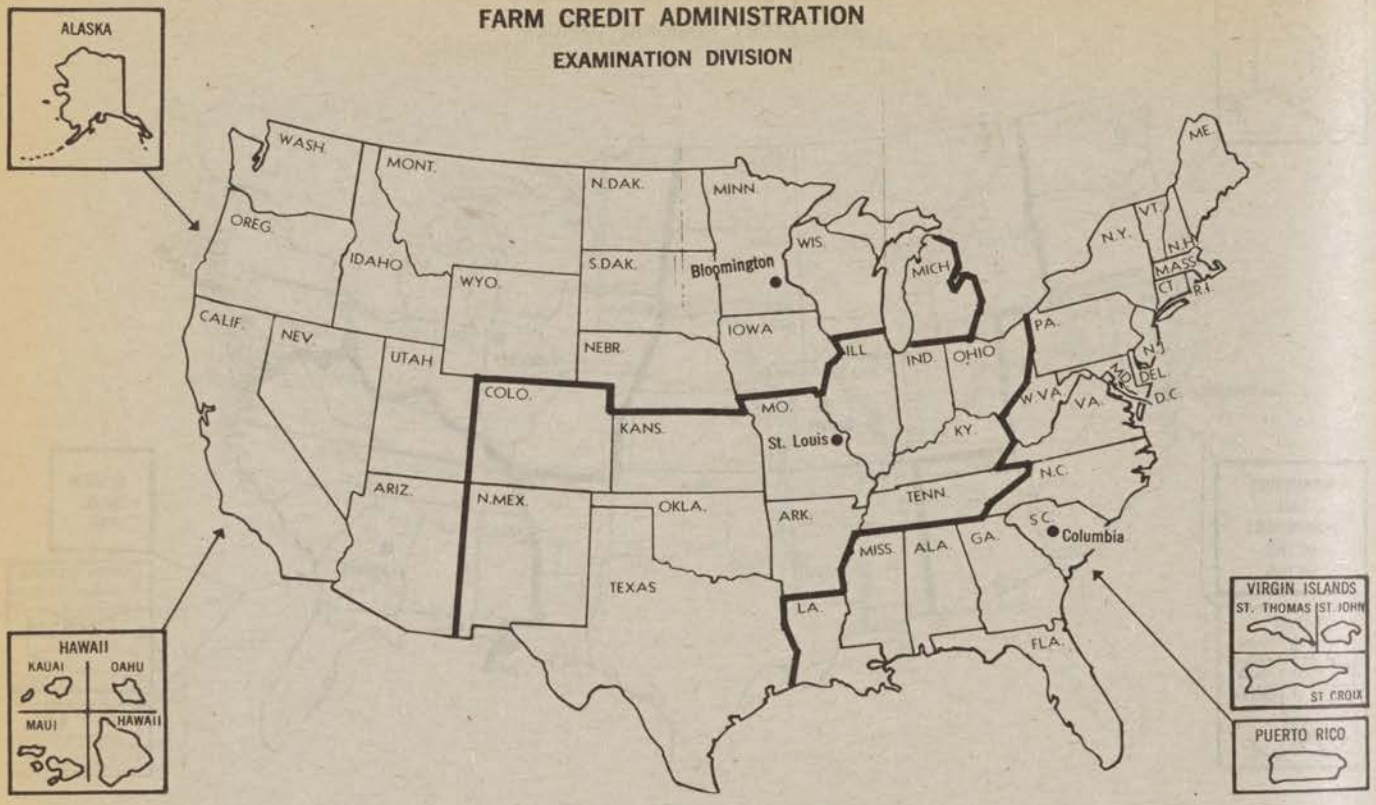


Atomic Energy Commission
Regulatory Regional Offices

Region	Director	Address	Telephone
Philadelphia, Pa	James P. O'Reilly, Jr	631 Park Ave., King of Prussia, Pa. 19406	215–337–1297
Atlanta, Ga	Norman C. Mosley	230 Peachtree St. NW., Atlanta, Ga. 30303	404–526–4503
Chicago, Ill	James G. Keppler	799 Roosevelt Rd., Glen Ellyn, Ill. 60137	312–858–4040
Denver, Colo	E. M. Howard	10395 West Colfax Ave., Denver, Colo. 80215	303–837–4211
San Francisco, Calif	R. H. Engelken	1990 North Calif. Blvd., Walnut Creek, Calif. 94596	415–846–3141

FARM CREDIT ADMINISTRATION

EXAMINATION DIVISION

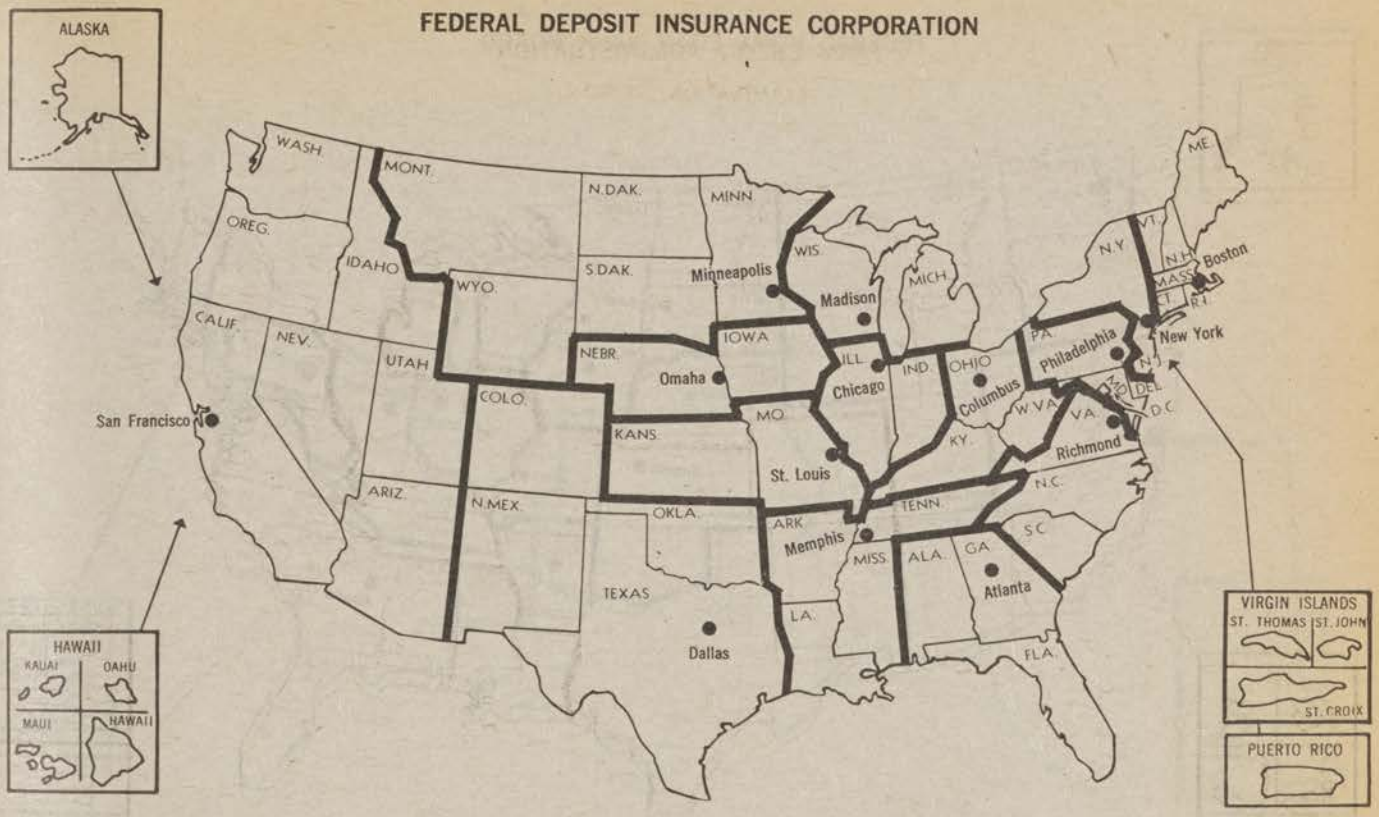


Farm Credit Administration

Examination Division

Region	Manager	Address	Telephone
Columbia, S.C. 29205	A. C. Nielsen	2530 Devine St	803–765–5603
St. Louis, Mo. 63141	John Cantergiani	11710 Administration Dr	314–268–7101
Bloomington, Minn. 55420	John W. Means	2850 Metro Dr	612–725–3685

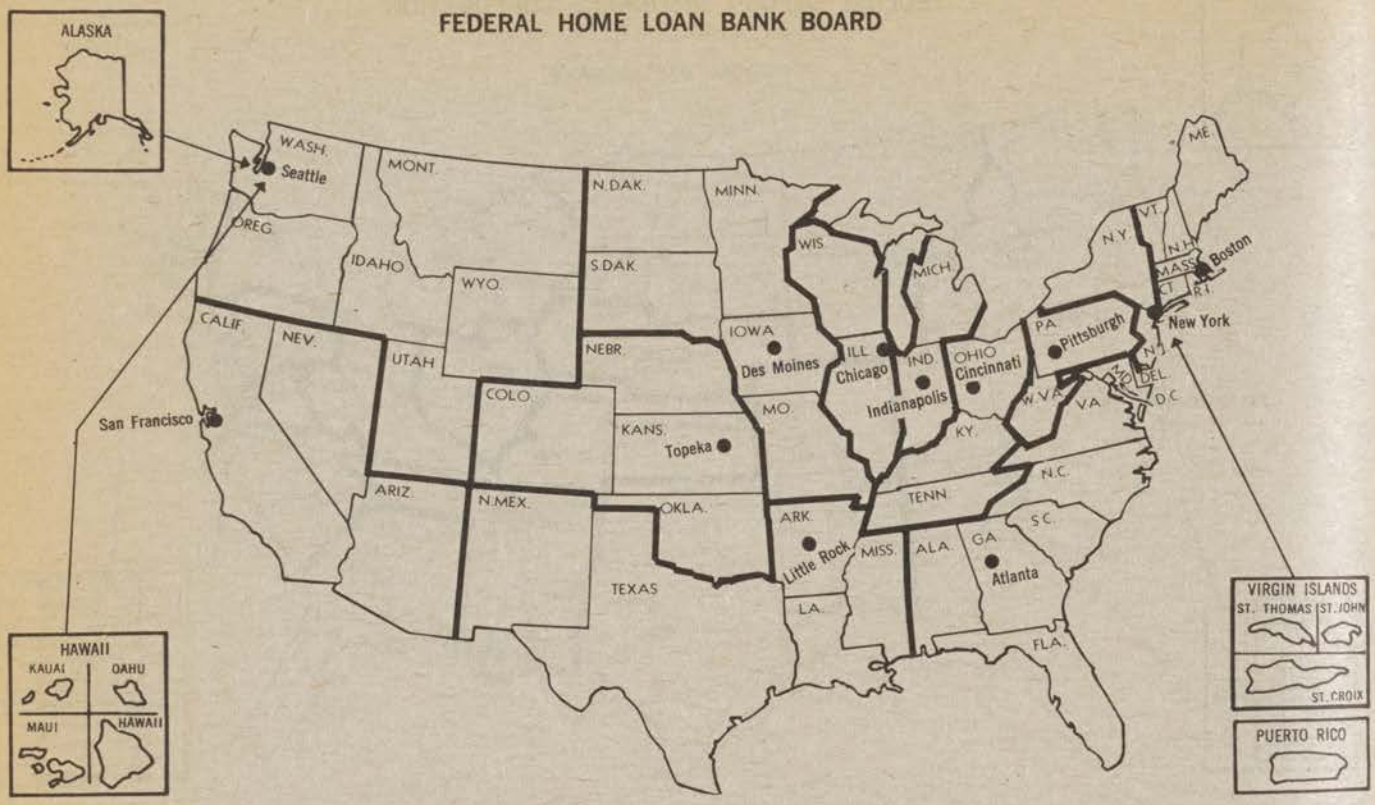
FEDERAL DEPOSIT INSURANCE CORPORATION



Federal Deposit Insurance Corporation

Region	Director	Address	Telephone
Atlanta, Ga. 30303	Lewis C. Beasley	2 Peachtree St. NW	404–526–6631
Boston, Mass. 02108	Mark J. Laverick	2 Center Plaza	617–223–6420
Chicago, Ill. 60604	James A. Davis	164 West Jackson Blvd	312–353–7525
Columbus, Ohio 43215	John R. Curtis	37 West Broad St	614–469–7301
Dallas, Tex. 75201	Quinton Thompson	300 North Ervay St	214–749–7691
Madison, Wis. 53703	Bernard J. McKeon	110 East Main St	608–252–5226
Memphis, Tenn. 38103	Roy E. Jackson	165 Madison Ave	901–534–3872
Minneapolis, Minn. 55402	Roger B. West	109 South 7th St	612–725–2046
New York, N.Y. 10022	Claude C. Phillippe	345 Park Ave	212–573–6025
Omaha, Nebr. 68102	Burton L. Blasingame	1700 Farnam St	402–345–9700
Philadelphia, Pa. 19103	Charles E. Doster	5 Penn Center Plaza	215–597–2295
Richmond, Va. 23219	John Stathos	908 East Main St	804–643–6716
St. Louis, Mo. 63101	Robert V. Shumway	720 Olive St	314–622–5718
San Francisco, Calif. 94104	John J. Early	44 Montgomery St	415–556–2736

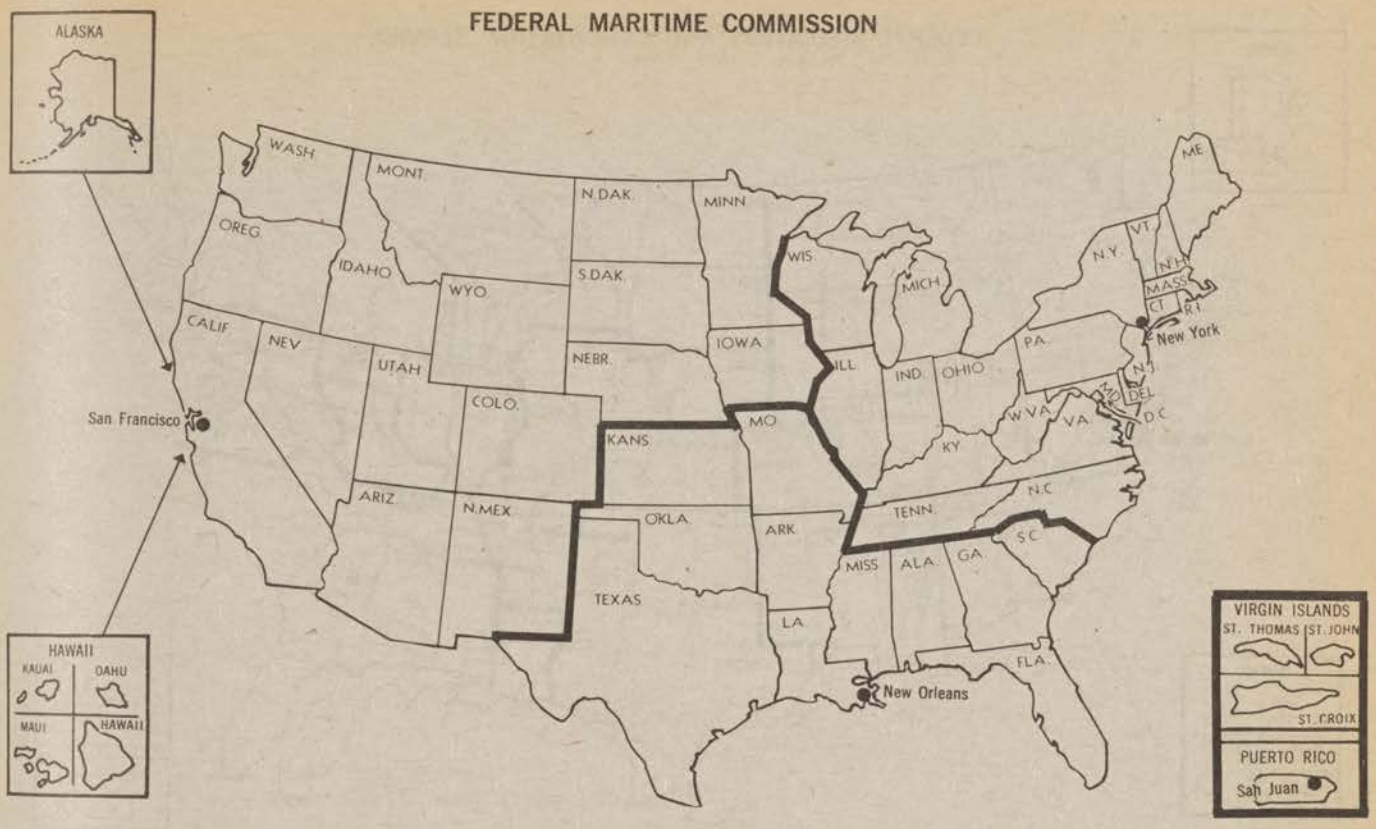
FEDERAL HOME LOAN BANK BOARD



Federal Home Loan Bank Board

District	Chief Examiner	Address	Telephone
Boston, Mass. 02108	Allan C. Taylor	1 Union St	617–223–3206
New York, N.Y. 10048	Richard W. Hamilton	1 World Trade Center	212–264–1447
Pittsburgh, Pa. 15222	William C. Shone	11 Stanwix St	412–644–2666
Atlanta, Ga. 30303	Howard L. Caffrey	260 Peachtree St. NW	404–526–4521
Cincinnati, Ohio 45202	Donald E. Ison	2400 DuBois Tower	513–684–2855
Indianapolis, Ind. 46204	Ervin Berlinger	2950 Indiana Tower, Indiana Square	317–633–7013
Chicago, Ill. 60601	Victor S. Meller	111 East Wacker Dr	312–353–8045
Des Moines, Iowa 50309	Robert E. Trotter	714 2d Ave	515–284–4310
Little Rock, Ark. 72201	H. H. Chastain	1350 Tower Bldg	501–378–5374
Topeka, Kans. 66601	Raymond J. Gatti	634 Harrison St	913–234–8263
San Francisco, Calif. 94108	Joseph W. George	600 California St	415–556–1910
Seattle, Wash. 98101	Richard J. Wick	600 Stewart St	206–442–7584

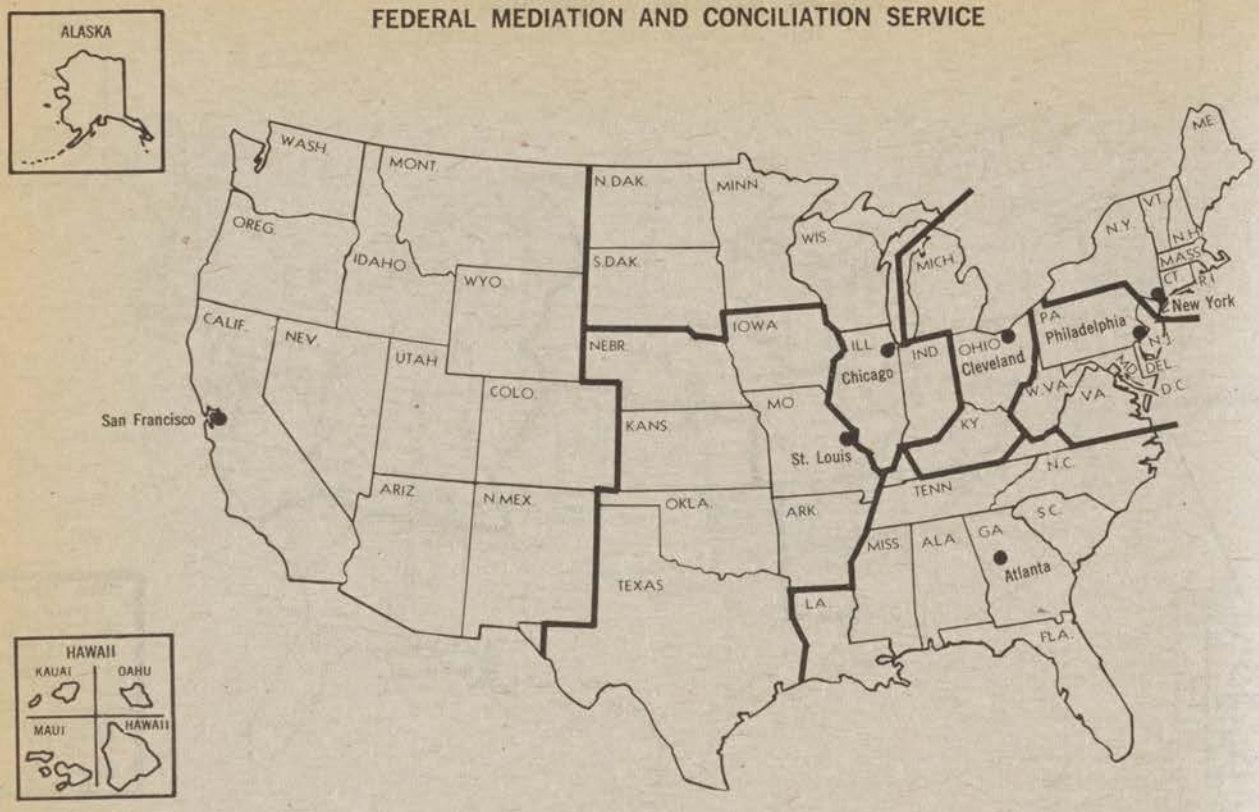
FEDERAL MARITIME COMMISSION



Federal Maritime Commission

District	Director	Address	Telephone
New York, N.Y. 10007	Joseph G. Barkan	26 Federal Plaza	212–264–1425
San Juan, P.R. 00904	Rambel A. Cuprill-Oppenheimer, Area Representative	P.O. Box 3168	809–723–2095
New Orlean, La. 70190	Harry T. Statham	610 South St	504–527–6662
San Francisco, Calif. 94105	Robert E. Sunkel	681 Market St	415–556–5272

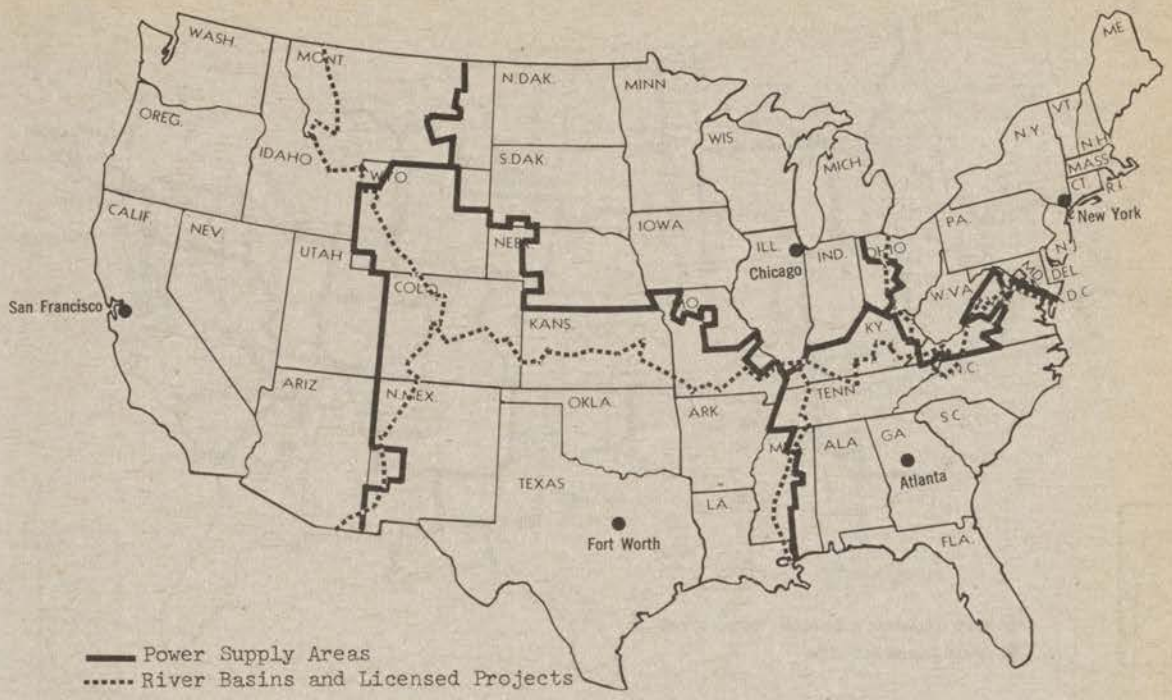
FEDERAL MEDIATION AND CONCILIATION SERVICE



Federal Mediation and Conciliation Service

Region	Director	Address	Telephone
New York, N.Y. 10007	Paul Yager	26 Federal Plaza	212–264–1000
Philadelphia, Pa. 19106	Robert W. Donnahoo	4th and Chestnut Sts	215–597–7676
Atlanta, Ga. 30309	Tally R. Livingston	1422 West Peachtree St. NW	404–526–2473
Cleveland, Ohio 44114	James L. Macpherson	815 Superior Ave. NE	216–522–4800
Chicago, Ill. 60604	Richard D. Williams	219 South Dearborn St	312–353–7350
St. Louis, Mo. 63103	Paul E. Bowers	1520 Market St	314–622–4591
San Francisco, Calif. 94102	Lowell M. McGinnis	450 Golden Gate Ave	415–556–4670

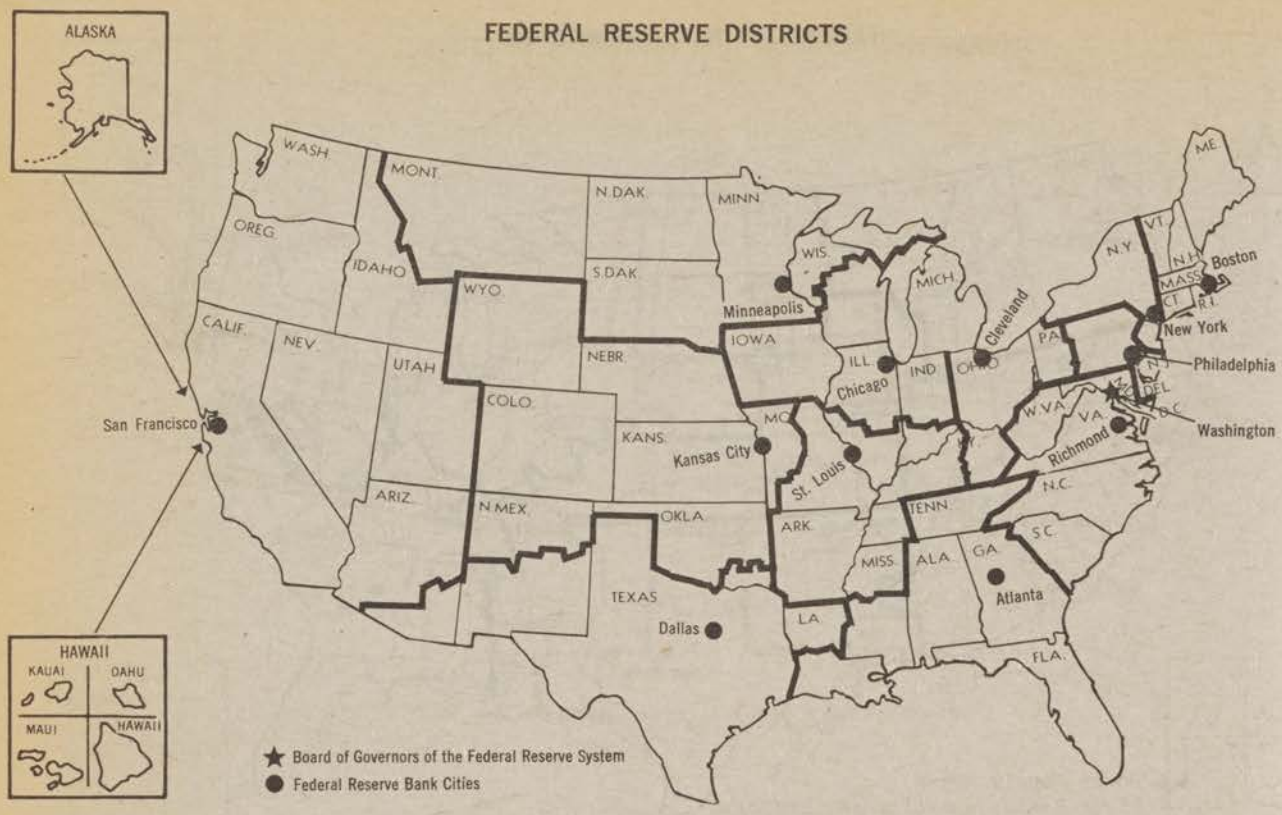
FEDERAL POWER COMMISSION



Federal Power Commission

Region	Engineer	Address	Telephone
Atlanta, Ga. 30308	Clarence L. Fishburne	730 Peachtree St	404–526–5134
Chicago, Ill. 60606	Lenard B. Young	610 South Canal St	312–353–6171
Fort Worth, Tex. 76102	Donald L. Martin	819 Taylor St	817–334–2631
New York, N.Y. 10007	Angelo M. Monaco	26 Federal Plaza	202–264–3687
San Francisco, Calif. 94111	M. Frank Thomas	555 Battery St	415–556–3581

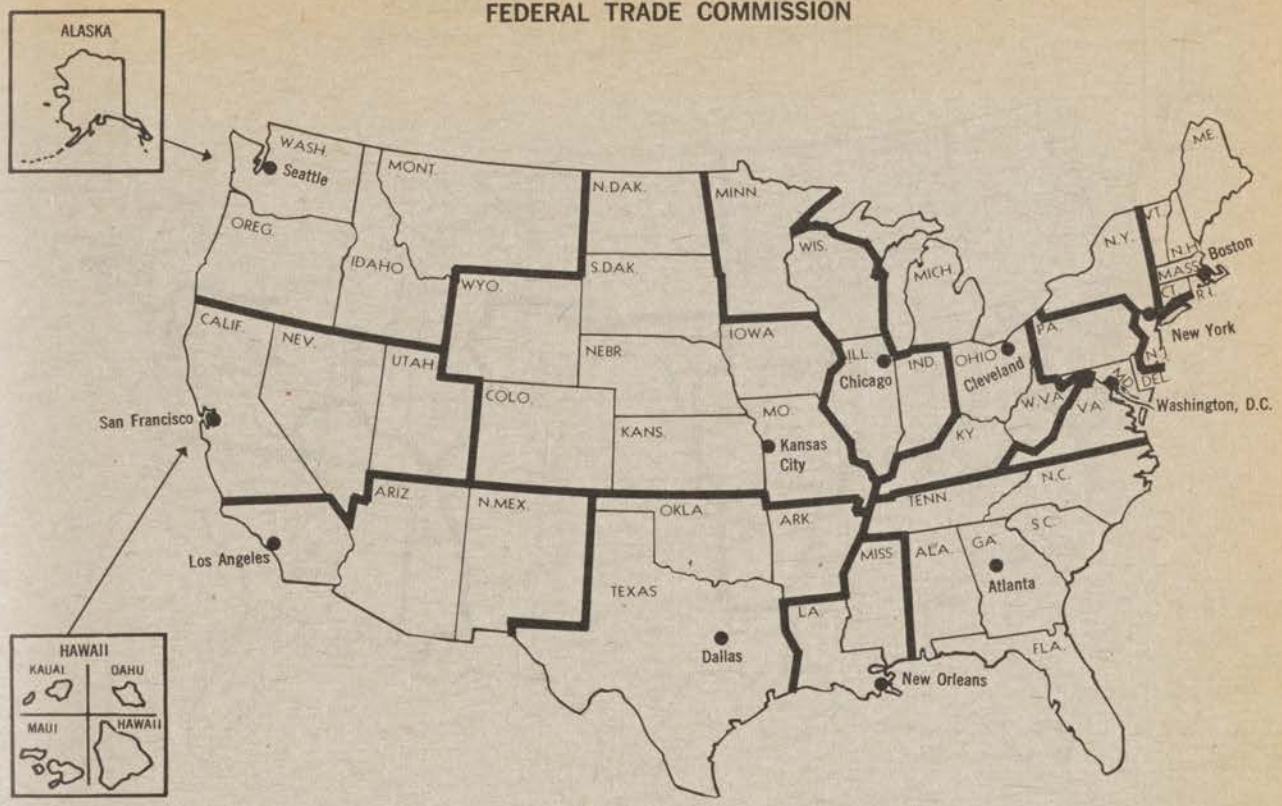
FEDERAL RESERVE DISTRICTS



Federal Reserve Districts

Region	President	Address	Telephone
Boston, Mass. 02106	Frank E. Morris	30 Pearl St	617–426–7100
New York, N.Y. 10045	Alfred Hayes	33 Liberty St	212–791–5000
Philadelphia, Pa. 19101	David P. Eastburn	925 Chesnut St	215–574–6000
Cleveland, Ohio 44101	Willis J. Winn	1455 East 6th St	216–241–2800
Richmond, Va. 23261	Robert P. Black	100 North 9th St	804–648–7271
Atlanta, Ga. 30303	Monroe Kimbrel	104 Marietta St. NW	404–522–4061
Chicago, Ill. 60690	Robert P. Mayo	230 South LaSalle St	312–427–2320
St. Louis, Mo. 63166	Darryl R. Francis	411 Locust St	314–421–1700
Minneapolis, Minn. 55480	Bruce K. Maclaury	73 South 5th St	612–340–2345
Kansas City, Mo. 64198	George H. Clay	925 Grand Ave	816–881–2000
Dallas, Tex. 75222	Philip E. Coldwell	400 South Akard St	214–651–6111
San Francisco, Calif. 94120	John J. Balles	400 Sansome St	415–397–1000

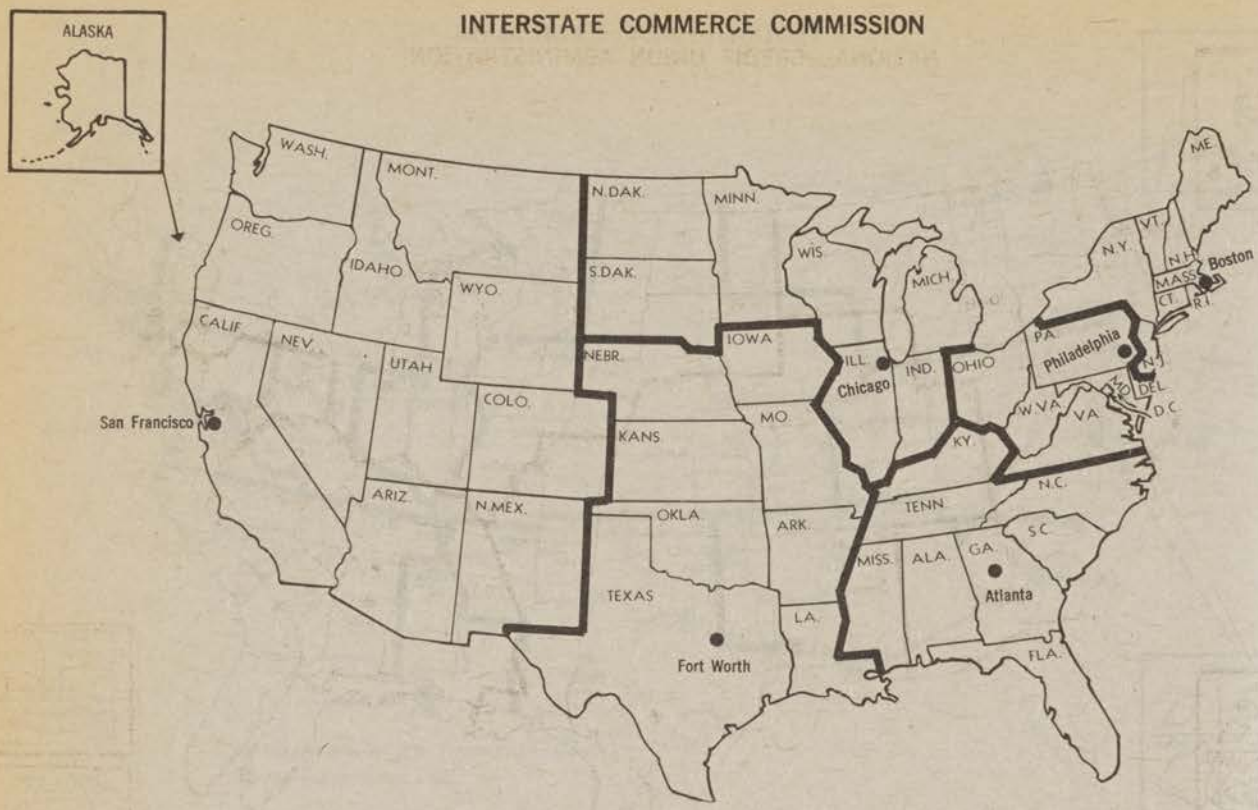
FEDERAL TRADE COMMISSION



Federal Trade Commission

Region	Director	Address	Telephone
Atlanta, Ga. 30308	S. Edward Combs	730 Peachtree St. NE	404–526–5836
Boston, Mass. 02114	William M. Gibson	150 Causeway St	617–223–6621
Chicago, Ill. 60603	Stephanie W. Kanwit	55 East Monroe St	312–353–4423
Cleveland, Ohio 44199	Bonnie B. Wan, Acting	Federal Office Bldg	216–522–4207
Dallas, Tex. 75201	Carl L. Swanson, Jr	500 South Ervay St	214–749–3056
Kansas City, Mo. 64106	Newman T. Guthrie	Federal Office Bldg	816–374–5256
Los Angeles, Calif. 90024	Carol G. Emerling	Federal Bldg	213–824–7575
New Orleans, La. 70130	Donald M. Van Wart, Assistant Director	333 St. Charles St	504–527–2091
New York, N.Y. 10007	Richard A. Givens	Federal Bldg	212–264–1200
San Francisco, Calif. 94102	Raymond J. Lloyd	450 Golden Gate Ave	415–556–1270
Seattle, Wash. 98101	William C. Erxleben	1511 3d Ave	206–442–4655
Washington, D.C. 20037	Michael J. Vitale	2120 L St. NW	202–254–7700

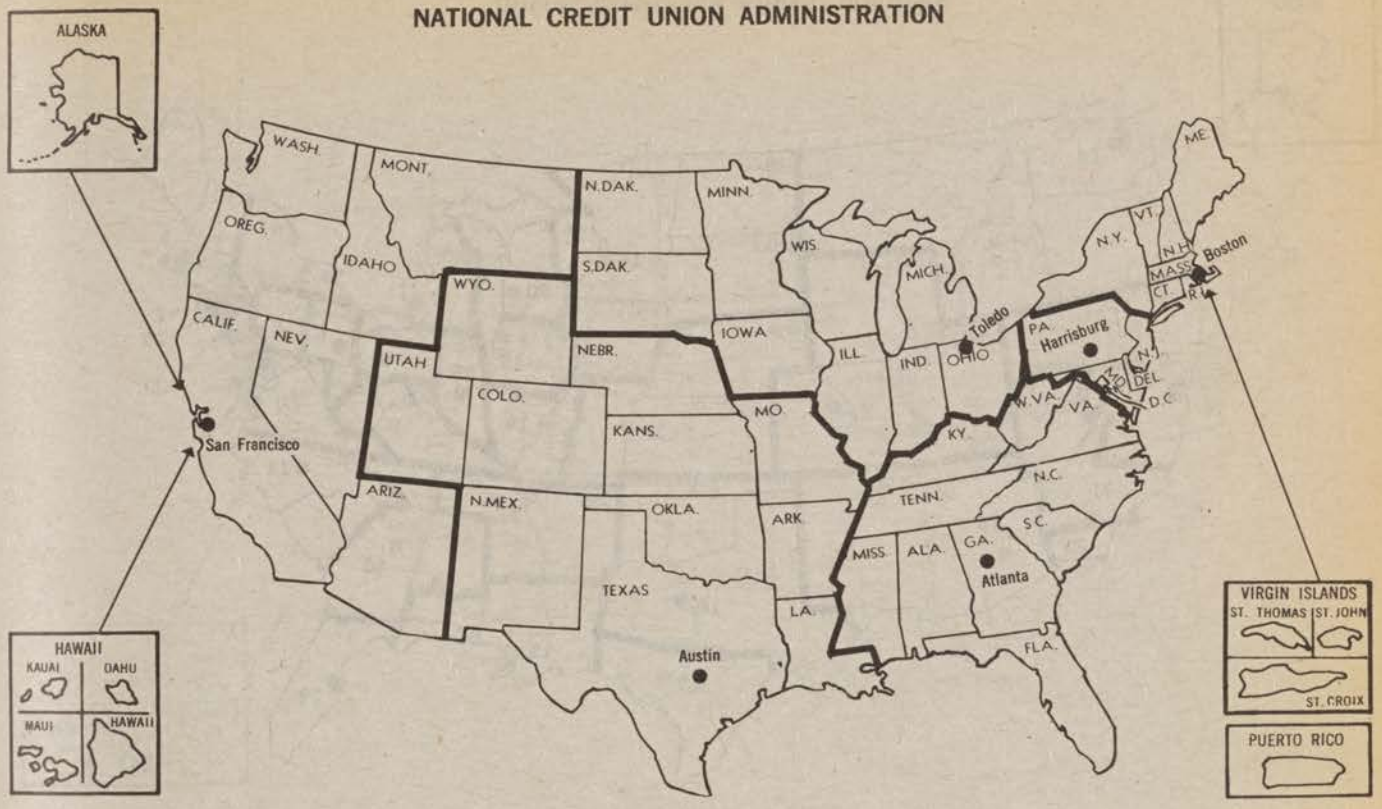
INTERSTATE COMMERCE COMMISSION



Interstate Commerce Commission

Region	Manager	Address	Telephone
Boston, Mass. 02114	Robert L. Abare	150 Causeway St	617–223–2372
Philadelphia, Pa. 19106	Fred E. Cochran	600 Arch St	215–597–4449
Atlanta, Ga. 30309	James B. Weber	1252 West Peachtree St. NW	404–526–5371
Chicago, Ill. 60604	Alfred E. Rathert	Everett McKinley Dirksen Bldg	312–353–6124
Fort Worth, Tex. 76102	Harold M. Gregory	Fritz Garland Lanham Federal Bldg	817–334–2794
San Francisco, Calif. 94102	J. Warren McFarland	Federal Bldg	415–556–5515

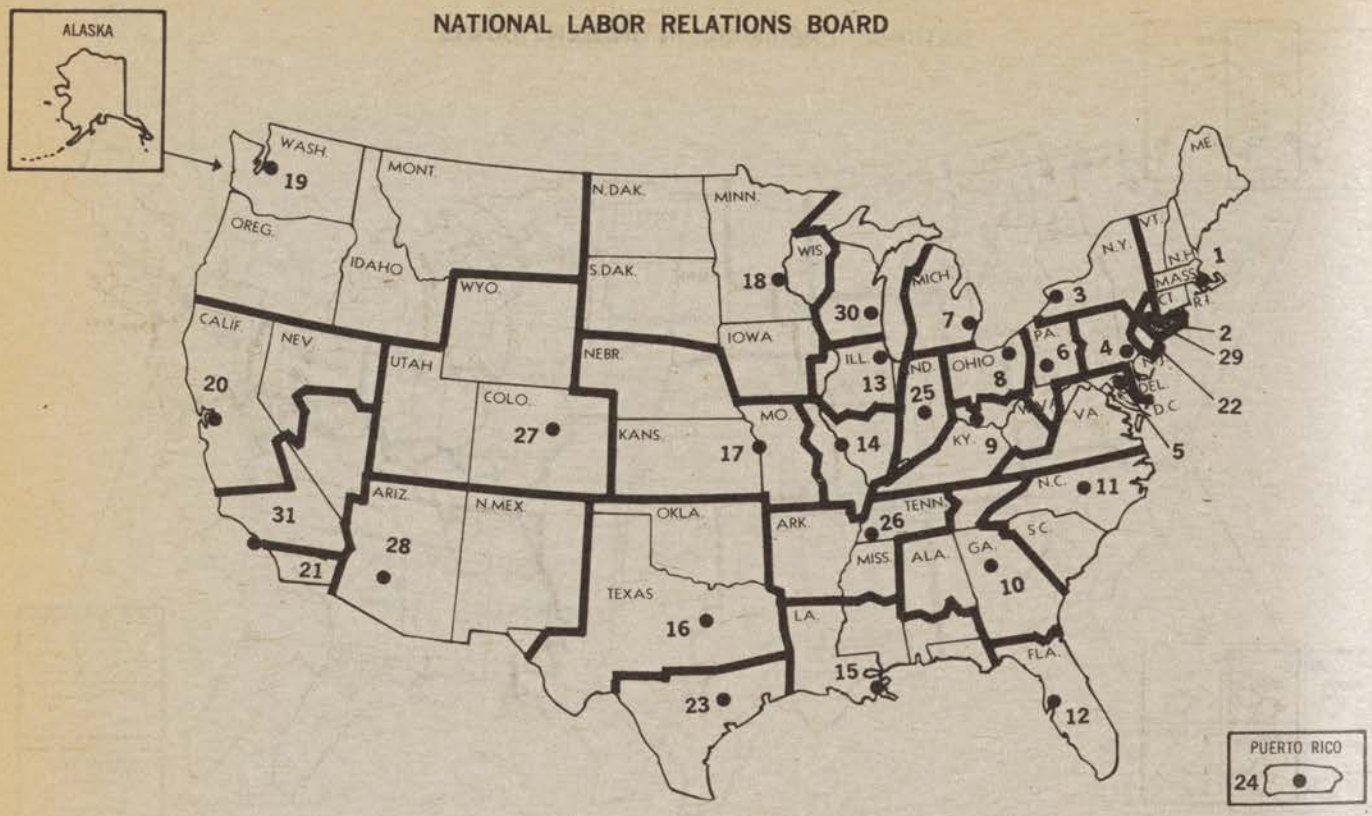
NATIONAL CREDIT UNION ADMINISTRATION



National Credit Union Administration

Region	Director	Address	Telephone
Boston, Mass. 02179	William Covington	1776 Heritage Dr	617–223–6807
Harrisburg, Pa. 17108	Harvey J. Baine	228 Walnut St	717–782–4595
Atlanta, Ga. 30308	Robert E. Boon	800 Peachtree St. NE	404–526–3127
Toledo, Ohio 43604	Louis P. Acuna	234 North Summit St	419–259–7511
Austin, Tex. 78701	Paul Trylko	205 West 9th St	512–397–5131
San Francisco, Calif. 94102	Ed Bernhoft	760 Market St	415–556–6277

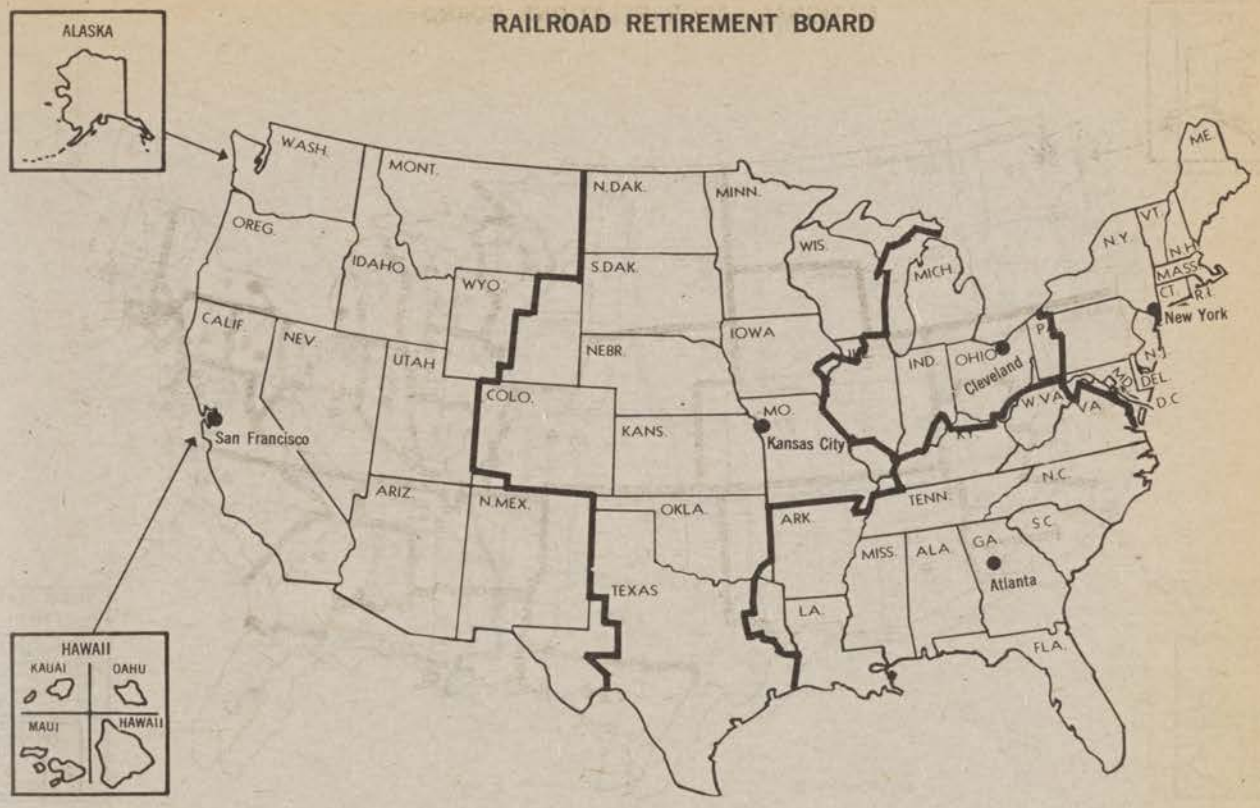
NATIONAL LABOR RELATIONS BOARD



National Labor Relations Board

Region	Director	Address	Telephone
1—Boston, Mass. 02114	Robert S. Fuchs	15 New Chardon St	617–223–3300
2—New York, N.Y. 10007	Sidney Danielson	26 Federal Plaza	212–264–0300
3—Buffalo, N.Y. 14202	Thomas W. Seeler	111 West Huron St	716–842–3100
4—Philadelphia, Pa. 19106	(Vacancy)	600 Arch St	215–597–7601
5—Baltimore, Md. 21201	William C. Humphrey	Federal Bldg	301–962–2822
6—Pittsburgh, Pa. 15222	Henry Shore	1000 Liberty Ave	412–644–2977
7—Detroit, Mich. 48226	Bernard Gottfried	1249 Washington Blvd	313–226–3200
8—Cleveland, Ohio 44199	Bernard Levine	1240 East 9th St	216–522–3715
9—Cincinnati, Ohio 45202	Emil C. Farkas	550 Main St	513–684–3686
10—Atlanta, Ga. 30308	Walter C. Phillips	730 Peachtree St. NE	404–526–5760
11—Winston-Salem, N.C. 27101	Reed Johnston	301 North Main St	919–723–9211 Ext. 300
12—Tampa, Fla. 33602	Harold A. Boire	500 Zack St	813–228–7711 Ext. 227
13—Chicago, Ill. 60604	Ross M. Madden	219 South Dearborn St	312–353–7572
14—St. Louis, Mo. 63101	Joseph H. Solien	210 North 12th Blvd	314–622–4167
15—New Orleans, La. 70113	Charles M. Paschal, Jr	1001 Howard Ave	504–589–6361
16—Fort Worth, Tex. 76102	W. Edwin Youngblood	819 Taylor St	817–334–2921
17—Kansas City, Kans. 66101	Thomas C. Hendrix	4th at State	816–374–4518
18—Minneapolis, Minn. 55401	Robert J. Wilson	110 South 4th St	612–725–2611
19—Seattle, Wash. 98101	Charles M. Henderson	1511 3d Ave	206–442–4532
20—San Francisco, Calif. 94102	Roy O. Hoffman	450 Golden Gate Ave	415–556–3197
21—Los Angeles, Calif. 90014	Wilford W. Johansen	849 South Broadway	213–688–5200
22—Newark, N.J. 07102	Arthur Eisenberg	970 Broad St	201–645–2100
23—Houston, Tex. 77002	Louis V. Baldovin, Jr	500 Dallas Ave	713–226–4812
24—Hato Rey, P.R. 00917	Raymond J. Compton	255 Ponce de Leon Ave	809–622–0247
25—Indianapolis, Ind. 46204	William T. Little	150 West Market St	317–633–8921
26—Memphis, Tenn. 38103	John J. A. Reynolds, Jr	167 North Main St	901–534–3161
27—Denver, Colo. 80202	Francis Sperandeo	721 19th St	303–837–3555
28—Phoenix, Ariz. 85014	Milo Price	6107 North 7th St	602–261–3717
29—Brooklyn, N.Y. 11241	Samuel M. Kaynard	16 Court St	212–596–3535
30—Milwaukee, Wis. 53203	George F. Squillacote	744 North 4th St	414–224–3861
31—Los Angeles, Calif. 90024	Abraham Siegel	11000 Wilshire Blvd	213–824–7351

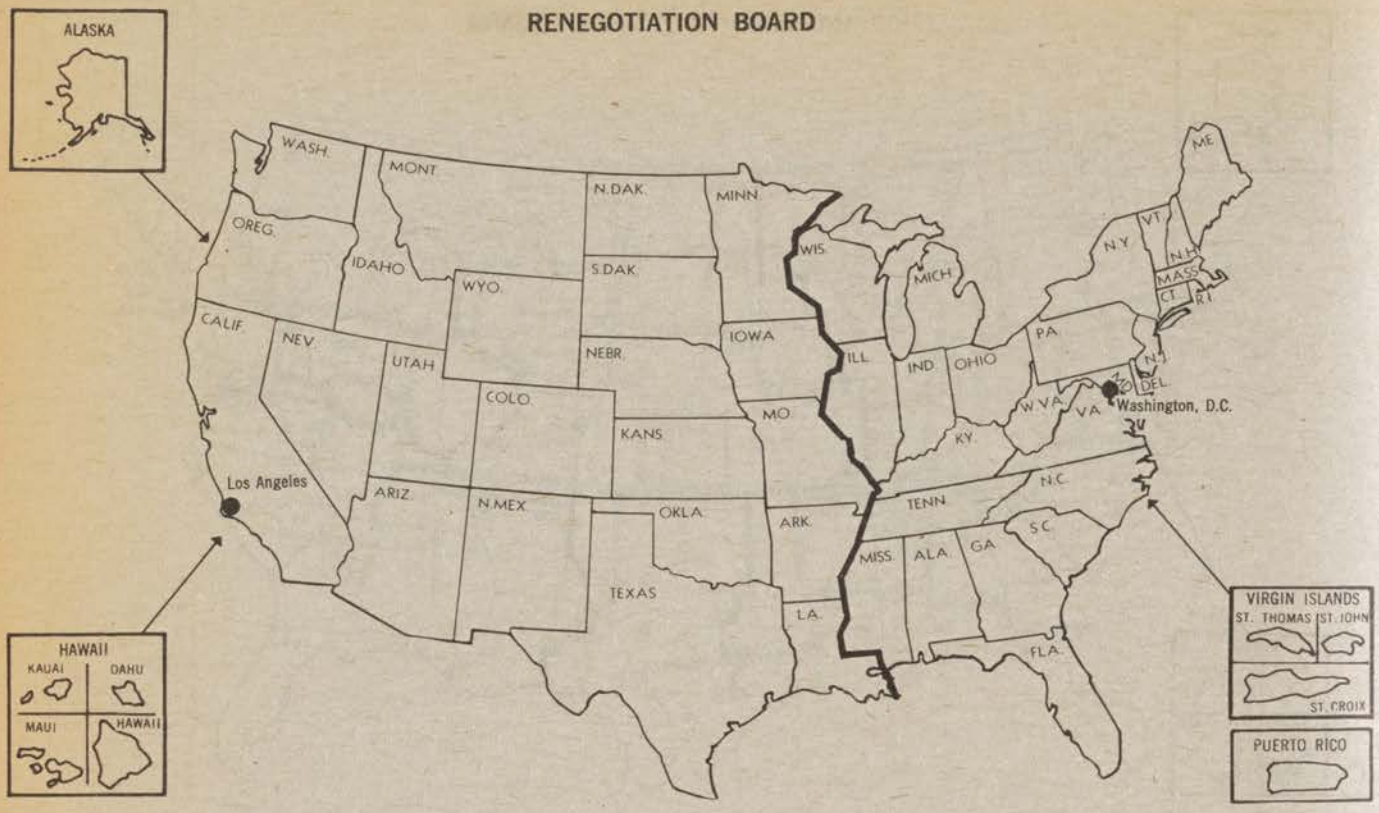
RAILROAD RETIREMENT BOARD



Railroad Retirement Board

Region	Director	Address	Telephone
Atlanta, Ga. 30308	Gene O. Wilson	730 Peachtree St. NE	404–526–3006
New York, N.Y. 10007	William R. Spence	26 Federal Plaza	212–264–8495
Cleveland, Ohio 44199	Edwin F. Kowalkowski	Anthony J. Celebrezze Federal Bldg	216–522–4043
Kansas City, Mo. 64106	John F. Marnell	Federal Bldg	816–374–3278
San Francisco, Calif. 94102	Robert L. Livingston	450 Golden Gate Ave	415–556–2584

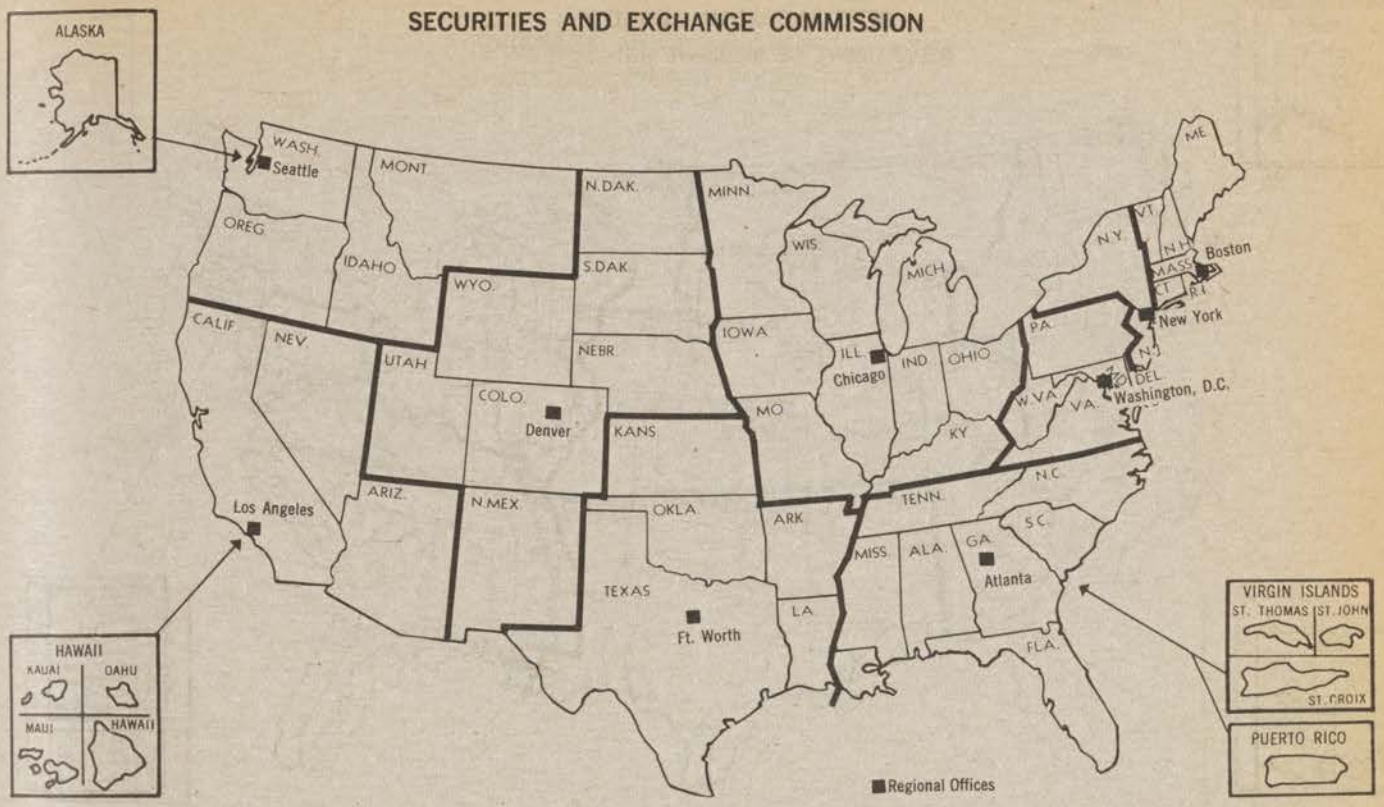
RENEGOTIATION BOARD



Renegotiation Board

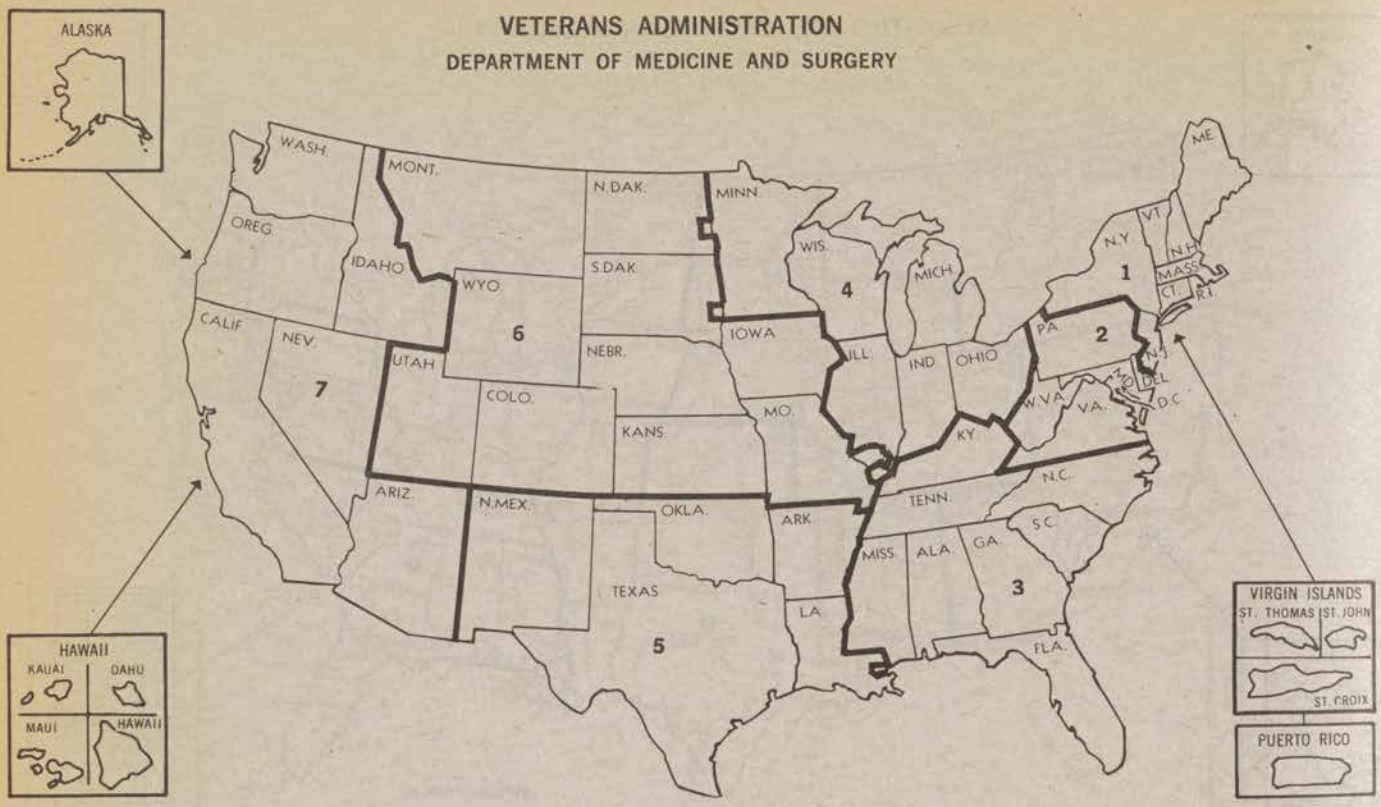
Region	Board Chairman	Address	Telephone
Washington, D.C. 20447	Ralph A. Johnson	2000 M St. NW	202–254–7442
Los Angeles, Calif. 90012	H. Ervin Gettman	300 North Los Angeles St	213–688–3106

SECURITIES AND EXCHANGE COMMISSION



Securities and Exchange Commission

Region	Administrator	Address	Telephone
Atlanta, Ga. 30309	Jule B. Greene	1371 Peachtree St. NE	404–526–5844
Boston, Mass. 02114	Floyd H. Gilbert	150 Causeway St	617–223–2721
Chicago, Ill. 60604	John I. Mayer	219 South Dearborn St	312–353–7390
Denver, Colo. 80202	Robert H. Davenport	1515 Arapahoe St	303–837–2071
Fort Worth, Tex. 76102	Robert F. Watson	10th and Lamar Sts	817–344–3393
Los Angeles, Calif. 90012	Gerald E. Boltz	312 North Spring St	213–688–5871
New York, N.Y. 10007	William D. Moran	26 Federal Plaza	212–264–1636
Seattle, Wash. 98101	Jack H. Bookey	1411 4th Ave. Bldg	206–442–7990
Arlington, Va. 22203	William R. Schief	4015 Wilson Blvd	703–557–8201



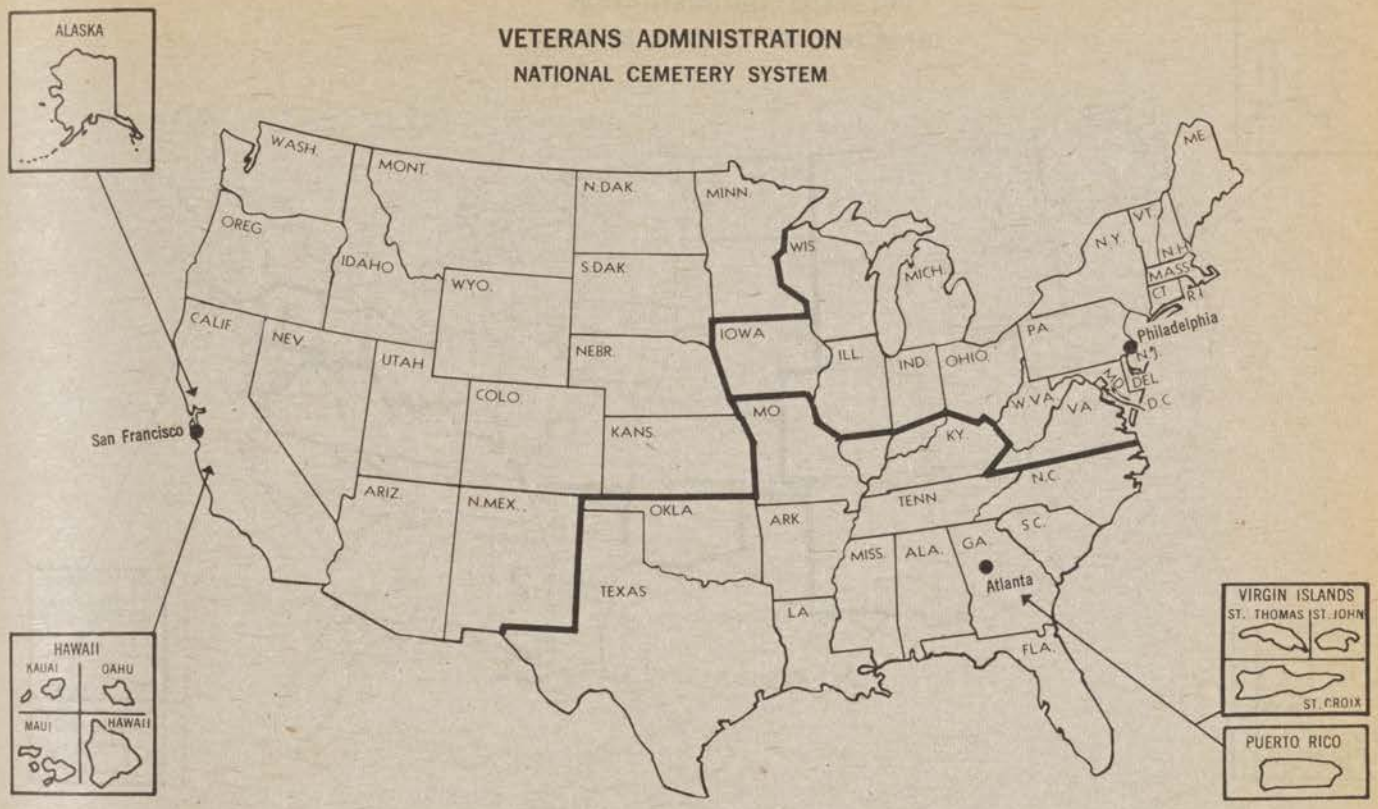
Veterans Administration

Department of Medicine and Surgery

Directors of Field Operations

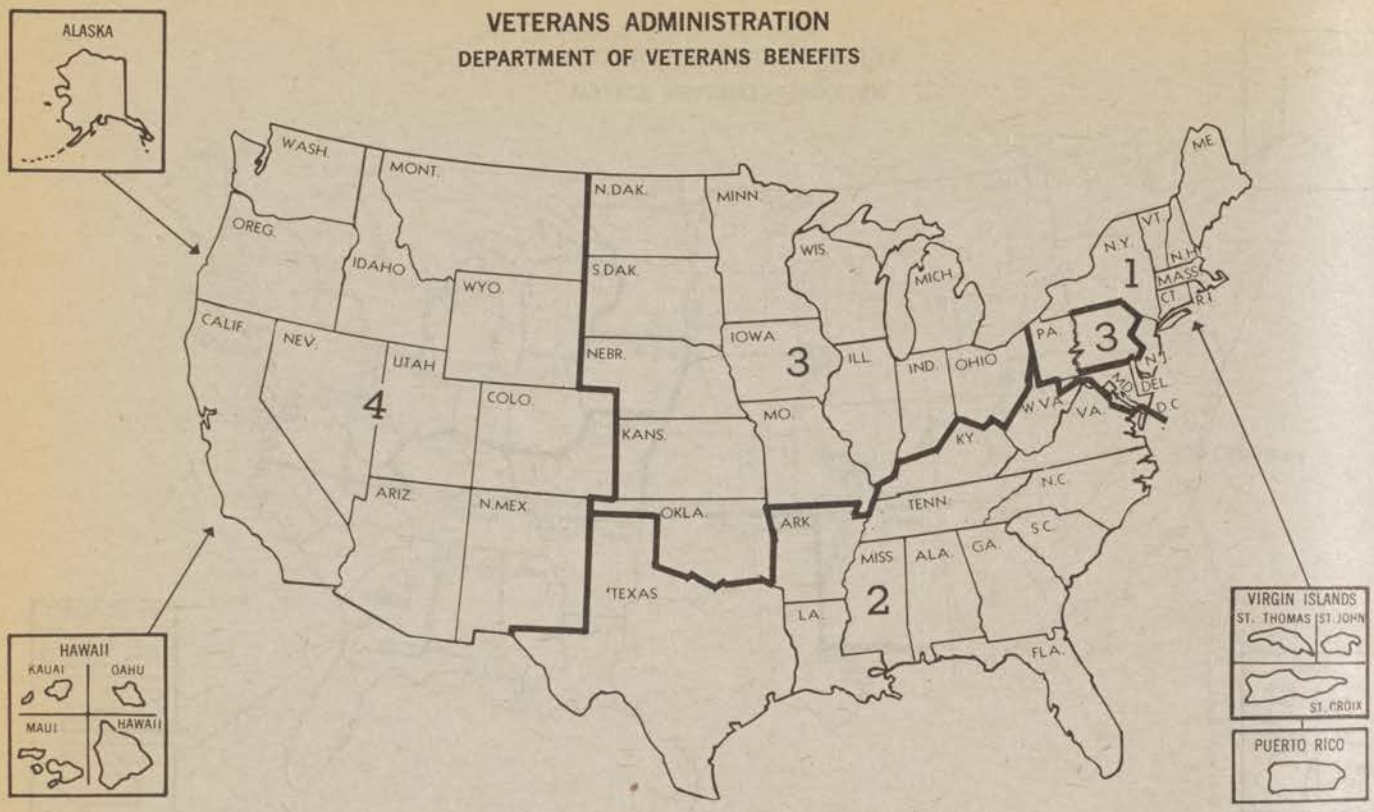
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Region	Director, Field Operations	Address	Telephone
1	Calvin E. Chandler	Room 830 (10C1)	202–389–5075
2	John R. Scotti, M.D.	Room 860 (10C2)	202–389–3754
3	Richard M. Whittington, M.D.	Room 844 (10C3)	202–389–3300
4	Thomas J. FitzGerald, M.D.	Room 854 (10C4)	202–389–2734
5	John S. Arledge	Room 835 (10C5)	202–389–2646
6	(Vacancy)	Room 818 (10C6)	202–389–2012
	(Located in California: 211 Main St., San Francisco, Calif. 94105)		
7	Paul O. Battisti	18th Floor (10C7)	415–556–5898



Veterans Administration
National Cemetery System
National Cemetery Supervising Offices

Region	Chief	Address	Telephone
Atlanta, Ga. 30308	David N. Sisson	730 Peachtree St. NE	404–526–2121
Philadelphia, Pa. 19144	Nicholas G. Hamaty	5000 Wissahickon Ave	215–438–5230
San Francisco, Calif. 94105	Thomas M. Barford	211 Main St	415–556–1903



Veterans Administration

Department of Veterans Benefits

Area Field Directors

(Located in Central Office: 810 Vermont Ave. NW., Washington, D.C. 20420)

Region	Director	Address	Telephone
1	M. L. Howells	Room 314 (201A)	202–389–2738
2	A. J. Bochicchio	Room 316 (201B)	202–389–2651
3	John W. Hagan, Jr	Room 324 (201C)	202–389–2636
4	T. C. Brown	Room 324 (201D)	202–389–2627

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