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Title 3—The President

PROCLAMATION 4340

National Jaycee Week, 1975

By the President of the United States of America

A Proclamation

To lead and to serve are the twin ideals of the United States Jaycees. By bringing together outstanding young members of communities throughout America, the Jaycees provide a reservoir and a forum for potential national leaders; by directing their energy and skills to a wide variety of humanitarian projects, the Jaycees serve our country and mankind.

For more than half a century, the United States Jaycees have strengthened our life as a democratic society. They belong to a cherished tradition going back to our country's very beginnings when community leaders from throughout the 13 colonies—many of them young men like the Jaycees—banded together with vision and talent to forge a free nation.

Today, in more than 7,000 chapters in each of the 50 states and the Nation's capital, some 300,000 Jaycees serve this time-honored ideal in a modern setting, dedicating their free time to faith, brotherhood, freedom and the service of their fellow man.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning January 19, 1975, as National Jaycee Week—a time for the expression of America's gratitude for the many significant contributions of the United States Jaycees.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of January, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75-2301 Filed 1-22-75;11:55 am]

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 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER H—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

PART 870—AIR FORCE RESERVE

This revision allows use of the title AFROTC Detachment Commander in lieu of Professor of Aerospace Studies in military channels (§ 870.2(s)); restates the AFROTC mission and objectives to accommodate recruiting functions and production for the Reserve Forces (§ 870.6); notes separation of area commandants from the AFROTC central staff (§ 870.8); provides expanded and revised guidance for establishing and continuing AFROTC units (§ 870.10); expands to the explanation of the College Scholarship Program (§ 870.12(a)(3)); adds provisions for processing nurse candidates (§ 870.22(d); § 870.72(b); § 870.84, note 11; § 870.86, note 7), physician scholarship candidates (§ 870.22(d); § 870.72(a); § 870.86, notes 5 and 8), and candidates for Air National Guard/United States Air Force Reserve appointment (§ 870.32(b) and § 870.84, line 10); deletes obsolete Department of Defense Form 98, Armed Forces Security Questionnaire (§ 870.22 and § 870.84); requires completion of DD Form 398, Statement of Personal History, for Professional Officer Course and College Scholarship Program membership (§ 870.22(h)(2)); clarifies discharge and reenlistment requirements (§ 870.28(d) and § 870.58); expands authority for completed cadet status (§ 870.36); deletes former attachments of joint service ROTC agreements and adds essential portion to the text (§ 870.62(a)); specifies that disenrollment may occur for declining to accept a commission (§ 870.64(a)(5)); deletes requirements for an investigation when disenrolling most General Military Course cadets (§ 870.64(c)); establishes 17 as minimum age for FT, POC, and CSP for both males and females (§ 870.84, line 8); modifies requirement for Air Force Military Personnel Center approval of graduate students (§ 870.84, note 12a); specifies that GMC scholarship cadets need not demonstrate academic proficiency at the time of POC entry (§ 870.84, note 13); allows commissioning up to age 32 for certain prior active enlisted or warrant personnel (§ 870.86, line 11); allows Air University to determine eligibility of certain former service academy cadets (§ 870.86, note 3); specifies the period CSP cadets may be academically deficient (§ 870.86, note 8); deletes use of "he" and "his" except in cases that apply to males only; updates office symbols and references; and makes minor changes in wording to increase clarity.

Part 870, Subchapter H of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.

870.0 Purpose.

Subpart A—Background and Organization

870.2 Definitions.
870.4 AFROTC officer procurement.
870.6 AFROTC mission and objectives.
870.8 AFROTC organization.
870.10 Establishment and continuation of AFROTC units at educational institutions.
870.12 The training program.
870.14 Responsibilities of the Commander, AU.
870.16 Major Command functions.
870.18 Administrative services and supplies.

Subpart B—AFROTC Membership and Retention

870.20 Basic membership requirements.
870.22 Other membership requirements.
870.24 Conditional membership.
870.26 Concurrent enrollment in Aerospace Studies.
870.28 Who may not be AFROTC members.
870.30 Investigative requirements.
870.32 Contract cadets.
870.34 In-phase admission to the POC.
870.36 Completed cadet status.
870.38 Alien students.

Subpart C—Selective Service Deferment of AFROTC Members and Designated Applicants

870.40 Military colleges participating in the AFROTC program.
870.42 Deferment selection criteria.
870.44 Delay of induction
870.46 Length of deferment.
870.48 Actions required for deferment.
870.50 Notifying Board of deferments and transfers.
870.52 Notifying Board of change of deferment status.
870.54 Transfer procedures.

Subpart D—Special Procedures

870.56 Participation and assignment in the Reserve establishment or National Guard.
870.58 Enlistment of a reservist of another service.
870.60 Credit for previous education, training, and experience.
870.62 Transfer of ROTC cadets.

Subpart E—Disenrollment and Discharge

870.64 Disenrollment of member from the AFROTC program.
870.66 Discharge from the United States Air Force Reserve.
870.68 Notifying ARPC of disenrollments.

Subpart F—Readmission

870.70 Readmission.

Subpart G—Appointment and Assignment of Graduates

870.72 Appointment of graduates.
870.74 Extended active duty for AFROTC graduates.
870.76 Distinguished graduates.
870.78 Release of AFROTC graduates for appointment in another service.
870.80 Air Force appointment of ROTC graduates from another service.

Subpart H—Tables

870.82 Eligibility criteria for establishment of an AFROTC unit.
870.84 Eligibility requirements for admission to membership in AFROTC.
870.86 Individuals who require a waiver and waiver granting authority.
870.88 Credit for previous education, training, and military experience.

AUTHORITY: 10 U.S.C. 8012; 10 U.S.C. Chapter 103; Military Selective Service Act of 1967, Section 6 (50 U.S.C. App. 456), except as otherwise noted.

§ 870.0 Purpose.

(a) This part explains the organization, administration, and operation of the Senior Reserve Officers' Training Corps. It applies to major commands, AFROTC (Maxwell Air Force Base, Alabama), ARPC, and AFROTC detachments.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

Subpart A—Background and Organization

§ 870.2 Definitions.

(a) *Academic year* (AY). Consists of two semesters three quarters, or the equivalent combination of trimesters or other terms.

(b) *Aerospace Studies* (*AS*). The official designation of the Air Force Reserve Officers' Training Corps (AFROTC) program of instruction.

(c) *AFROTC detachment.* An Air Force organization manned by active duty Air Force personnel assigned to AFROTC, with duty station at a civilian educational institution. The AFROTC detachment is an integral academic subdivision of the educational institution and, with concurrence of the institution, has the academic title "Department of Aerospace Studies." The AFROTC detachment conducts all AFROTC activities at the institution as stipulated in the joint contract between the host institution and the Air Force.

(d) *AFROTC graduate.* A contract cadet who has successfully completed the academic and military requirements of the AFROTC Professional Officer Course (POC), including prescribed field training, and has been awarded at least a bachelor's degree.

(e) *Alien student.* A Foreign National eligible to participate in the AFROTC

program under the provisions of this part and 10 U.S.C. 2103(b).

(f) *Cadet.* The term cadet as used in this part is synonymous with member.

(g) *Completed cadet.* A contract cadet who has successfully completed the academic and military requirements of the program of advanced training, including field training, and Flight Instruction Program is applicable, but has not been commissioned.

(h) *Conditional cadet.* A contract cadet who has been advised by the Professor of Aerospace Studies (PAS), either upon initial enrollment or during the program, of placement in a probationary status to correct a deficiency (academic or otherwise) within a specified period of time to preclude disenrollment from the program, or AFROTC scholarship termination. A conditional cadet is a member of the AFROTC program.

(i) *Consortium arrangement.* An agreement between a host institution and one or more nonhost institutions, which exists for the mutual benefit of the schools and which permits cross enrollment of students. AFROTC, as a department of the host institution, shares as a beneficiary of the larger agreement and may participate, on the same basis as any other department of the host institution, in enrolling students from the consortium nonhost schools. The consortium agreement may be a written agreement. Students at a nonhost institution may enroll in the AFROTC program under this type of arrangement provided:

(1) The nonhost institution is an accredited baccalaureate degree granting, or 2-year nonbaccalaureate degree granting, institution.

(2) The nonhost institution agrees to award appropriate academic credit applicable toward graduation for the successful completion of courses offered by the Department of Aerospace Studies.

(j) *Contract cadet.* An AFROTC cadet who:

(1) Executed AF Form 1056, Air Force Reserve Officers' Training Corps Contract, or AF Form 1448, Air Force Reserve Officers' Training Corps Contract for Air National Guard/Air Force Reserve, and

(2) Enlisted in the United States Air Force Reserve (USAFR) (Obligated Reserve Section (ORS)) under the provisions of 10 U.S.C. 2104 or 2107, and

(3) Is a member of the POC and/or the College Scholarship Program (CSP).

(k) *Cross-town agreement.* An agreement among AFROTC, a host institution, and a nonhost institution which either is accredited and grants bachelor's degrees or is a 2-year institution not authorized to grant bachelor's degrees. The agreement permits students from the nonhost institution to enroll in the AFROTC program conducted by the host institution.

(l) *Designated applicant.* An individual who applies in writing and is tentatively accepted by the Professor of Aerospace Studies (PAS) as a candidate for entry in the POC or for CSP membership.

(m) *Enrollment.* Admission of a student into an Aerospace Studies course for academic credit, which in itself entitles individuals to neither AFROTC membership nor subsistence allowance.

(n) *Full-time student.* An individual enrolled in other than correspondence courses who is taking at least the minimum credit hours specified in the institutional catalog for designation as a full-time student. If the institution does not specify a minimum criterion, a student enrolled in at least the minimum number of credit hours prescribed by the Professor of Aerospace Studies.

(o) *Host institution.* An educational institution that sponsors an AFROTC unit.

(p) *Member.* A student who meets and completes the applicable eligibility requirements of § 870.84 and is admitted to the General Military Course (GMC) or POC. Members must maintain retention standards prescribed by the Commandant, AFROTC.

(q) *Officer type training programs.* Any training received in any U.S. Armed Force, Coast Guard, or Merchant Marine program, completion of which may result in a tender of appointment as a commissioned officer (includes service academy preparatory schools).

(r) *Probation (academic).* Scholastic probation, warning, suspension, or any other terminology utilized by an institution to indicate that a student is academically deficient.

(s) *Professor of Aerospace Studies (PAS).* The senior Air Force commissioned officer assigned to command an AFROTC detachment. Normally, this title is used when the position is referred to in an institutional context. The title "AFROTC Detachment Commander" is sometimes used in military channels.

(t) *Pursuing student.* A designated applicant for POC membership who is temporarily ineligible for enlistment. These students are not members of the POC or the CSP.

(u) *Special student.* A nonmember student who is enrolled in AFROTC courses and/or corps training.

§ 870.4 AFROTC officer procurement.

AFROTC is a major active duty officer procurement program of the Air Force. It is conducted jointly with the cooperating educational institutions, as outlined in this part. AFROTC will continue to operate as the officer training program conducted at colleges and universities during a national emergency or war.

§ 870.6 AFROTC mission and objectives.

(a) The AFROTC mission is to recruit, educate, and commission officer candidates through a college campus program in response to Air Force requirements.

NOTE: AFROTC is also responsible for conducting an Air Force Junior ROTC (AFJROTC) program at selected secondary schools nationwide under Part 872 of this chapter.

(b) The AFROTC objectives are to:

(1) Recruit, select, and retain officer candidates until they are commissioned as second lieutenants in the U.S. Air Force.

(2) Provide college-level education that qualifies cadets for commissioning in the U.S. Air Force.

(3) Strengthen each cadet's sense of personal integrity, honor, and individual responsibility; enhance knowledge of how the U.S. Air Force serves the national interest; increase understanding of officer professionalism in the U.S. Air Force; and develop potential as a leader and manager.

§ 870.8 AFROTC organization.

The Department of the Air Force establishes policies and develops plans for the conduct of the AFROTC program. AFROTC is organized as a subordinate unit of AU and consists of a central staff, area commandants, and detachments.

§ 870.10 Establishment and continuation of AFROTC units at educational institutions.

An AFROTC detachment is established or disestablished only by direction of the Secretary of the Air Force.

(a) *Establishment of AFROTC units.* To receive consideration for establishment of an AFROTC unit, an educational institution must meet the standards specified in § 870.82 of this part. The fact that an institution meets all criteria does not, however, imply that a unit will be authorized. New units are established, after consideration of all factors, only as the Air Force determines a need for additional units. Educational institutions interested in hosting an AFROTC unit should write to the Commandant, AFROTC, Maxwell Air Force Base, Alabama 36112. AFROTC evaluates applications and forwards recommendations when directed to do so by Headquarters, USAF, or Air University.

(b) *Establishment restrictions.* Normally, an AFROTC unit will not be established at an educational institution if:

(1) An AFROTC unit exists within 15 minutes driving time of the applicant institution, and the institution that hosts the existing unit is willing to accommodate AFROTC cross-enrollees from the applicant institution.

(2) An ROTC unit of another service exists on the applicant campus, and the Secretary of that service does not agree to collocation with an AFROTC unit.

(c) *AF Form 1268.* AF Form 1268, Application and Agreement for the Establishment of Senior Air Force Reserve Officers' Training Corps Unit, must be signed after establishment has been approved by the Secretary of the Air Force.

(d) *Continuation of AFROTC units.* An AFROTC unit normally is not maintained at an educational institution if the institution fails:

(1) To comply with the contractual terms of AF Form 1269 (or any other properly constituted contract or ensuing memoranda of agreement). The minimum standards of § 870.82 apply. AF

ROTC reviews contract compliance at each unit annually. Institutions are notified of deviations and requested to take corrective action. Uncorrected deviations will be reported to Air University. AU considers those deviations in taking action under paragraph (e) of this section.

(2) To meet the enrollment standards prescribed in paragraph (e) of this section.

(e) *Disestablishment of AFROTC units.* The annual projected officer production from each AFROTC unit must be adequate to justify the investment of Air Force resources.

(1) A unit is considered marginal when its first year POC enrollment as of October 31 is below:

(i) Seventeen cadets where the institution prescribes a 4-year or combination 4- and 2-year program.

(ii) Twelve cadets where the institution prescribes a 2-year only program.

(2) AFROTC reviews the enrollment in the first year of the POC for each AFROTC unit to identify units which do not meet the enrollment criteria in paragraph (e)(1) of this section. Air University takes action by December 15 each year to:

(i) Forward letters to appropriate host institution presidents to place newly identified marginal units in probationary status for a 1-year school period. (New AFROTC units offering the 4-year program are exempt from consideration until their third year of existence; new units offering only the 2-year program are exempt from consideration until their second year of existence.)

(ii) Forward letters to appropriate host institution presidents to release from probation those units which meet or exceed the 17/12 enrollment criteria.

(iii) Forward a summary of the actions prescribed under paragraphs (e)(2)(i) and (ii) of this section to HQ, USAF/DPPE, Washington, D.C. 20330, with recommendations to disestablish or continue on probation those units which did not meet the 17/12 enrollment criteria by the end of the 1-year probationary period. Also provide HQ, USAF/DPPE with proposed draft letters for signature by the Commander, AU, to appropriate host institution presidents, as well as a data sheet for each unit to support disestablishment or continued probation. Continued probation should be limited to those units where enrollment trends or projected enrollment indicate that this action is in the best interest of AFROTC and the Air Force.

(3) Approved letters for disestablishment or continued probation are forwarded to the Professor of Aerospace Studies for personal delivery to the host institution president (or other designated representative of the host institution) at a time prearranged between AU and HQ, USAF/DPPE.

(4) AFROTC:

(i) Insures that the president of each host institution is aware of the 17/12 enrollment criteria.

(ii) Forwards a letter expressing concern to the president of each host institution where the October 31 enrollment in the first year of the POC falls below 20 at schools which prescribe a 4-year or combination 4- and 2-year program, or below 15 at schools which prescribe a 2-year only program, unless enrollment limitations established by AFROTC preclude such enrollment.

(iii) Works closely with any institution, where the AFROTC enrollment falls below the required standard for any year, to seek measures which will increase enrollment to the required level and make the unit fully productive. These efforts must be substantiated in writing.

(5) Units being disestablished are normally phased out with sufficient time to permit contract cadets to complete the program or allow them a practical alternative for earning commissions. Phase out is accomplished within the shortest practical period, to conserve expenditure of Air Force resources.

§ 870.12 The training program.

The training program includes two phases—the institutional phase and the field training phase. Successful completion of academic and military requirements in both phases is a prerequisite for appointment as an officer in the U.S. Air Force.

(a) *The institutional phase.* This phase consists of GMC (AS 100 and AJ 200), the POC (AS 300 and AS 400), and Corps Training (AS 100 through AS 400). Corps Training is an integral and mandatory portion of each Aerospace Studies year. The GMC and POC are each normally two academic years in length (four semesters, six quarters, or an equivalent number of trimesters or terms). Completion of the GMC, its equivalent, or the 6-week field training session is a statutory prerequisite for, but does not guarantee, entrance into the POC.

(1) The 4-year program consists of the GMC, POC, Corps Training, and a 4-week field training session.

(2) The 2-year program consists of the 6-week field training, the POC, and the last 2 years of Corps Training.

(3) The College Scholarship Program (CSP) provides educational financial assistance for selected undergraduate or graduate cadets. Candidates for entry into the 2- and 4-year programs, and members of the 4-year program, are eligible to compete for scholarships provided they have the requisite number of academic years remaining.

(i) Air Force is authorized by 10 U.S.C. 2107 to have 6,500 AFROTC scholarships in effect at any time. No more than 20 percent of the scholarship cadets may be in the 2-year AFROTC program, and at least 50 percent of the scholarship cadets who are enrolled in public institutions must qualify for in-state tuition rates.

(ii) A subsistence allowance is paid to scholarship students as specified in Part 874 of this chapter and in addition:

(A) All tuition, fees, books, and laboratory expenses will be paid for required (as opposed to elective) courses.

(B) All tuition, fees, books, and laboratory expenses will be paid for elective courses, except that AFROTC may disapprove costs of any effective course which is more expensive than the normal tuition and fees incurred by a student who does not elect to take such a course.

(iii) Scholarships are offered in conjunction with participation in all four years of AFROTC, the last three years, and the last two years.

(A) Four-year scholarships are limited to candidates interested in and qualified to attend pilot or navigator training after being commissioned through AFROTC. Applications and details may be obtained from AFROTC/SDR, Maxwell Air Force Base, Alabama 36112.

(B) Three-year scholarships are available to students who can complete the GMC within one academic year; these scholarships are limited to potential pilots and navigators, and to students enrolled in specified scientific and engineering curriculums. Two-year scholarships are available to cadets entering the POC and are limited to potential pilots and navigators, potential missile launch officers, students enrolled in specified scientific and engineering curriculums, and potential physicians. Applications for 3-year and 2-year scholarships are made through the Professor of Aerospace Studies at the AFROTC detachment, except as indicated in paragraph (a)(3)(v) of this section.

(iv) Active duty airmen may apply for AFROTC scholarships through their Base Education Services Office in accordance with AFR 53–20, Airman Commissioning Programs.

(v) Selection for a scholarship is on a competitive basis. Recipients will be centrally selected by Air University/AFROTC.

(b) *The field training phase.* The 6- and 4-week field training phases are conducted at Air Force bases as prescribed by AFR 45–3, Air Force ROTC Field Training Program. Two-year program applicants must successfully complete the 6-week field training session prior to admission to the POC. This prerequisite is a statutory requirement, but does not guarantee membership in the 2-year program. Cadets in the 4-year program normally attend the 4-week field training session after successful completion of AS 200.

(c) *Curriculum and course support materials*—(1) *Curriculum.* The Commander, AU, develops and maintains the AFROTC education program according to the mission, objectives, and policies prescribed by the Chief of Staff, USAF.

(2) *Academic credit.* AFROTC courses should be reviewed for credit on the same basis as other courses at the institution. Maximum credit should be granted. If credit is questioned, the institution should recommend changes which would make the courses credit worthy, but denial of degree credit would not, in itself, necessarily mean withdrawal of the unit. Regardless of the amount of credit granted, AFROTC course grades should appear on students' transcripts.

(3) *Course substitution.* Guest lecturers may provide specific hours of instruc-

tion in areas where they are academically qualified, provided the institution approves of the practice. Institutionally taught courses, or courses taught jointly by both civilian and military faculties, may be used when these courses satisfy the objectives of the AFROTC curriculum and exist or can be developed by the institution. These provisions shall not be used as a device to reduce the required minimum military contact hours of the AFROTC curriculum.

(4) *Drill.* Standards of performance in military drill will be prescribed by AU. The PAS determines the specific amount of drill needed to obtain the prescribed standards.

§ 870.14 Responsibilities of the Commander, AU.

The Commander, AU:

(a) During any period of full-scale mobilization, conducts an accelerated AFROTC program as directed by HQ, USAF.

(b) Insures that all Applicants enlisted as POC or CSP members, and all AFROTC graduates appointed as commissioned officers, meet Air Force personnel procurement standards.

§ 870.16 Major Command functions.

(a) Each MAJCOM must:

(1) Provide designated applicants for membership in the AFROTC program with:

(i) Subsistence, quarters, and necessary medical care while they are processing at Air Force installations. (Service charges for subsistence and quarters provided must be kept to a minimum.)

(ii) On-base transportation to and from examining centers and medical facilities. (Off-base transportation may be provided to the nearest commercial transportation facility.)

(2) Provide for the administration of medical examination and the Air Force Officer Qualifying Test (AFOQT) to designated finalists competing in the 4-year College Scholarship Program. (The provisions of paragraph (a)(1) of this section apply. Authority to arrange for scheduling of medical examinations and the AFOQT may be delegated to base commanders and AFROTC.)

(3) Insure that adequate personnel and facilities are available to process AFROTC applicants so that a favorable and professional impression of the base and the military will be conveyed.

(4) Provide base facilities, personnel, and airlift in support of the AFROTC base visit and orientation program.

(b) After coordinating with the Commander, AU, major commands may communicate directly with the detachments on AFROTC matters.

§ 870.18 Administrative services and supplies.

(a) *Uniforms.* The Commandant, AFROTC, prescribes the uniform, uniform devices, and manner of wear of the uniform by students, designated applicants, and cadets. Uniforms will be worn for drill and at other times prescribed by AFROTC.

(b) *Monetary allowances.* Policies governing subsistence allowance and commutation in lieu of uniforms are prescribed by the Commandant, AFROTC, consistent with Part 874 of this chapter.

Subpart B—AFROTC Membership and Retention

§ 870.20 Basic membership requirements.

Title 10 U.S.C., chapter 103, requires that, at institutions hosting ROTC detachments, membership in the GMC is elective or compulsory as provided by state law or the authorities of the institutions concerned. Except where GMC membership is compulsory, as many qualified students may be enrolled in the GMC of each AFROTC detachment as are necessary to meet production quotas established by HQ, USAF. Entry into the POC is not subject to institutional jurisdiction, but is limited by production goals set by HQ, USAF for the graduating class in which cadets will be appointed. Each cadet or applicant desiring membership in the POC (and/or the CSP) must apply and compete with other cadets and applicants for membership. HQ, USAF establishes AFROTC eligibility requirements. For students meeting these requirements, the Commandant, AFROTC, prescribes admission and retention standards.

(a) *GMC membership.* An eligible student accepted by the PAS becomes a member on the first day of attending Aerospace Studies classes. The student remains a member until completing the GMC unless disenrolled sooner, except GMC members tentatively accepted as designated applicants for the POC who remain members until they are disenrolled from the GMC or fail to be selected for the POC. The PAS must counsel each GMC cadet that acceptance for GMC training is not a guarantee of later admission into the CSP or POC.

NOTE: An individual accepted for membership, who because of accreditation of a portion of the GMC by virtue of equivalent training is excused from attending classes and corps training, is considered a cadet effective the date the membership application is accepted by the PAS.

(b) *POC membership.* An eligible student accepted by the PAS becomes a member on the date of becoming fully qualified under current Air Force and AFROTC directives, enlisting or reenlisting in the USAFR (ORS) according to Part 888d of this chapter, and enrolling in courses of the POC. The student remains a member until disenrolled from membership or commissioned.

(c) *Designated applicant.* Once accepted as a designated applicant by the PAS, the individual remains a designated applicant until enrolled as a contract cadet or advised by the PAS of release from further consideration. Normally designated applicant status will not exceed a 12-month period. (Subpart C tells how to notify a Selective Service board of an individual's designated applicant status.) At time of admission to membership in the POC, a designated applicant must have two academic years remaining at a host, crosstown, or consortium institution offering the AFROTC program (§ 870.84, note 12). A designated applicant who completed the GMC, its equivalent, or the 6-week field training prior to enrollment in pursuing status, and is thereafter to be accepted as a contract cadet, meets this requirement if two academic years remained at the time of enrollment in pursuing status. A designated applicant who is on academic probation or not in good academic standing at the institution normally is not admitted to membership in the POC. Upon favorable recommendation from the Commandant, AFROTC, AU may grant a waiver (§ 870.86).

(d) *Nonmembers.* Pursuing and special students may be enrolled for academic credit although they are not members of the program. Nonmembers are not entitled to subsistence, a uniform allowance, or a uniform. If otherwise authorized, while in nonmember enrollment status, a special student may purchase a uniform at personal expense and wear it as authorized by the PAS. A pursuing student may be loaned a uniform at the discretion of the PAS and with concurrence of the institution. § 870.22 (h) applies to wearing of the uniform by special and pursuing students. Equipment will not be purchased for the benefit of enrolled nonmembers. Special and pursuing students must acknowledge in writing understanding of their status in the AFROTC program.

§ 870.22 Other membership requirements.

For selection or retention in the AFROTC program, a student must meet and maintain the following standards as well as the requirements in § 870.84:

(a) *Moral character.* Good moral character is a prerequisite for membership and continuance in the AFROTC program. For purpose of membership in the GMC, admission to the institution is presumptive evidence of good character.

(b) *Military or civil offenses.* AFROTC is exempt from the requirement for the police record check required for enlistment in the United States Air Force Reserve. The Commandant, AFROTC, establishes procedures for verification of other than minor traffic violations which, together with the investigative actions inherent in the National Agency Check (NAC) or Background Investigation (BI), insure proper review of involvements of each contract cadet. A student who has been convicted by a court-martial or civilian court for any offense will not be accepted for CSP/POC membership without a waiver (§ 870.86).

(c) *Medical qualification.* As provided in AFM 160-1, Medical Examinations and Medical Standards, except for GMC cadets (§ 870.84).

(d) *Academic requirements.* For CSP and POC membership, a student must meet and maintain minimum requirements for good academic standing in the institution. Nurse candidates must also

meet and maintain a minimum 2.5 cumulative grade point average on the scale A=4.0. Physician candidate must also meet and maintain a minimum 3.65 cumulative grade point average on the scale A=4.0. (§ 870.86 contains waiver authority.)

(e) *Enrollment.* A member must maintain full-time enrollment in an AFROTC host institution or an institution having an approved agreement with an institution hosting AFROTC. Enrollment with less than the normal number of credit hours can be approved by the Commandant, AFROTC (§ 870.86). Undergraduate students will not be denied the opportunity to enroll in AFROTC solely because of their major course of study.

(f) *Elimination from service academies or other officer training programs.* Students who attended officer commissioning programs must be granted a waiver before entering AFROTC (§ 870.86). Applicants may be enrolled in nonmembership (pursuing or special student) status pending waiver determinations. Pending waiver evaluation, 2-year program designated applicants may attend 6-week field training if recommended for further officer training on DD Form 785, Record of Disenrollment from Officer Candidate Type Training.

(g) *Ineligibility for reenlistment.* A former serviceman whose DD Form 214, Report of Separation from Active Duty, for the last period of service contains entries which render him ineligible to enlist in the Regular Air Force (Part 888 of this chapter) is not eligible for membership in the POC or CSP.

(h) *Loyalty requirements.* No U.S. citizen may be accepted as a member of AFROTC or wear the AFROTC uniform who fails to fulfill the following:

(1) *For GMC, CSP, and POC.* Be administered and sign the Oath of Allegiance. The student must be administered and sign the following certificate which becomes part of the individual's record (the student may because of conscientious scruple, substitute "affirm" for "swear"):

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservations or purpose of evasion.

(2) *For CSP and POC.* Complete and submit DD Form 398, Statement of Personal History, in accordance with AFR 205–32, USAF Personnel Security Program.

(i) The student must file the DD Form 398 in advance of scheduled membership or attendance at 6-week field training, whichever occurs earlier.

(ii) If an applicant for the POC or CSP fails or refuses, after instruction, to fill out DD Form 398 in its entirety, the PAS denies the applicant membership as a contract cadet. Also, if an individual makes entries on this form which provide reason to believe that enrollment is not clearly consistent with the interests of national security, the PAS denies the individual membership or appointment until a full and complete investigation discloses that membership or appointment is not prejudicial to the national interest.

(i) *Illegal or improper use of drugs.* Prior to enlistment for entry into the CSP or POC each applicant executes AF Form 2061, USAF Drug Abuse Certificate (Appointment/Officer Training Applicants Only). AF Form 2031, Drug Abuse Circumstances, must be accomplished if the applicant fails to certify to no prior drug abuse on AF Form 2061. The PAS will discuss these forms with the applicant and explain the specific meaning of the terms used.

(j) *Assignment restrictions.* The PAS counsels each POC and CSP applicant regarding the possibility that future duty with the Air Force may involve being associated with nuclear weapons systems. Applicants whose convictions do not allow them to accept such assignments or to accept worldwide assignment, including combat duty, are identified, if possible, and denied membership.

§ 870.24 Conditional membership.

The Commandant, AFROTC, prescribes procedures which allow the PAS to place a student in conditional membership either upon initial enrollment in the POC or during tenure as a POC or CSP cadet when full membership is not possible. This conditional status is designed to permit correction of deficiencies (academic or otherwise) within a specified period of time to preclude disenrollment from the program. Each conditional cadet acknowledges in writing understanding of the restrictions and requirements of conditional cadet status. Normally, this status is authorized only when the circumstances dictating conditional status will be removed in one academic term (semester, trimester, quarter, term). An individual who is on academic probation or not in good standing in the institution normally will not be designated as a conditional member for initial enrollment in contract cadet status; however, upon favorable recommendation from AFROTC, AU may grant a waiver in appropriate cases (§ 870.86, line 5).

§ 870.26 Concurrent enrollment in aerospace studies.

(a) *General Military Course (GMC).* The PAS may concurrently enroll a cadet in two GMC courses for a period not to exceed one academic year provided he obtains the same number of classroom and corps training hours as other GMC cadets at the same institution.

(b) *Professional Officer Course (POC):*

(1) The PAS may authorize concurrent enrollment provided the cadet's tenure will not be reduced to less than two years, for cadets who:

(i) During portions of the program, are absent from campus because of institutional, State Department, industry, or other approved programs;

(ii) Are enrolled in an AFROTC (officer-taught) POC course and a civilian-taught course approved under an alternate curriculum arrangement.

(2) The Commandant, AFROTC, may authorize concurrent enrollment as specified in § 870.86.

§ 870.28 Who may not be AFROTC members.

(a) Commissioned officers (present or former) of any component of the Army, Navy, Air Force, Marine Corps, Coast Guard, or Merchant Marine.

(b) Officers of the Public Health Service.

(c) Members of the National Oceanic and Atmospheric Administration (NOAA).

(d) Members on active duty in any military service. (Air Force enlisted members with a minimum of one year of active duty are eligible to compete for AFROTC scholarships. If selected, they are discharged from active duty and enlisted in the Air Force Reserve.)

(e) Conscientious objectors.

§ 870.30 Investigative requirements.

The Commandant, AFROTC, establishes procedures to insure that all contract cadets meet the following investigative requirements:

(a) An NAC is requested during the first academic term of membership as a contract cadet. NACs will not be requested on cadets who have previous investigations which are current as defined in AFR 205–32, USAF Personnel Security Program, nor will NACs be requested on cadets who are required to have a BI under the provisions of paragraph (b) of this section.

(b) A BI must be completed and a favorable decision rendered before any designated applicant or CSP designee of the GMC may be enlisted if the individual has:

(1) Traveled or resided in one or more communist or communist-oriented countries listed in AFR 205–32, attachment 6, for more than 30 consecutive days, not under the auspices of the U.S. Government.

(2) A spouse, parent, brother, sister, or offspring currently residing in any country listed in AFR 205–32, attachment 6.

(3) Made entries or deletions on DD Form 398 indicating that enlistment may not be clearly consistent with the interests of national security. (AFR 205–32, attachment 4).

NOTE: The PAS may permit 2-year program designated applicants to attend 6-week field training pending completion of a BI.

§ 870.32 Contract cadets.

The Commandant, AFROTC, establishes procedures for classifying contract cadets according to Air Force requirements, qualifications of the individuals, and the cadets' desires.

(a) *Classification of contract cadets—*(1) *Category I.* Cadets who qualify and volunteer for flying training or missile launch officer duty.

(i) *IP—Pilot Candidate.* A candidate may not be classified IP if he has ever

been eliminated from a military pilot training course or the Flight Instruction Program of the Army, Navy, or Air Force.

(ii) *IN—Navigator Candidate.* A candidate may not be classified IN if he has ever been eliminated from a military navigator-type training course.

(iii) *IM—Missile Duty Candidate.* A male cadet not in category IP or IN who volunteers to be assigned to missile launch officer duty upon entry on active duty.

(2) *Category II.* Cadets not in Category I who are enrolled in a college program leading to at least a bachelor's degree with an academic major in specified scientific or engineering curriculums.

(3) *Category III.* Cadets not in Category I who are enrolled in a college program leading to at least a bachelor's degree with an academic major in other than those scientific or engineering curriculums specified in Category II.

(b) *AF Form 1056 and AF Form 1448.* Each contract cadet is required to sign four copies of an AF Form 1056 or AF Form 1448, as appropriate, which becomes effective upon the member's enlistment in the USAFR (ORS). The PAS insures that each cadet fully understands the terms of the contract. Disposition of the copies is as follows:

(1) Two copies are retained by the PAS and later forwarded to the Air Reserve Personnel Center through AFROTC as an attachment to the individual's application for appointment. Upon appointment, one copy is placed in the officer's Master Personnel Record (MPerR) and one in the Unit Personnel Record Group (UPRGp). If the cadet is disenrolled from AFROTC for any reason before commissioning, these copies may be used as supporting documents to the disenrollment investigation, if conducted, or retained for a specified period.

(2) One copy is furnished the member.

(3) The remaining copy is filed in the individual's AFROTC Cadet Record.

(c) *Acceptance of educational delay.* Cadets granted educational delays according to Part 875 of this chapter must, if they have not already done so, sign an AF Form 1056 specifying a date of separation (DOS).

§ 870.34 In-phase admission to the POC.

Admission to the POC is normally phased so that completion of the POC does not occur before completion of the requirements for a bachelor's degree. The Commandant, AFROTC, may prescribe exceptions to this policy (§ 870.84, note 12).

§ 870.36 Completed cadet status.

Completed cadet status is authorized for contract cadets who will complete bachelor's degree requirements within 12 months after completion of the AFROTC program. This status is authorized for contract cadets who have completed the AFROTC program and have been awarded a bachelor's degree but are temporarily ineligible for a commission due to involvement with civil authorities (§ 870.72(e)), medical disqualification including pregnancy, or other cogent reasons. Students who have completed the AFROTC program and have been awarded a bachelor's degree or who require completed status in excess of 12 months are not retained in completed status without appropriate waiver (§ 870.86 gives waiver authority).

§ 870.38 Alien students.

(a) *Who may participate in AFROTC.* Aliens as defined in paragraphs (a)(1) through (3) of this section, are authorized to participate in the GMC and POC provided they are enrolled full time at a school hosting an AFROTC program or having a cross-town agreement or consortium arrangement.

(1) Immigrants, regardless of their country of origin, who have been lawfully admitted for permanent residence in the United States and have in their possession Immigration Form I–151, Alien Registration Receipt Card.

(2) Refugees still in a parole, conditional entry, or indefinite voluntary departure status, regardless of their country of origin, and:

(i) They have in their possession Immigration Form I–94, Arrival/Departure Record, bearing an Immigration and Naturalization Service stamp reading, Refugee-Conditional Entry, or,

(ii) They are Cuban nationals who have in their possession Immigration Form I–94 endorsed by the Immigration and Naturalization Service to reflect either that they have been paroled into the United States for an indefinite period or have been granted "voluntary departure" for an indefinite period; or.

(iii) The Immigration and Naturalization Service has confirmed in writing that the alien is a refugee.

NOTE: A refugee is classified as an immigrant once he has been accepted for permanent residence and is issued an Immigration Form I–151.

(3) Nonimmigrant aliens, from countries shown on the list of countries approved by the Department of State whose citizens are eligible, may participate in the Senior ROTC program. An individual in this status has acknowledged that he does not intend to apply for U.S. citizenship. (The Commandant, AFROTC, is furnished and retains custody of the list of countries approved by the Department of State. This list is distributed on a "need-to-know" basis only.) The individual must:

(i) Have an Immigration Form I–94.

(ii) Present to the Commandant, AFROTC, certification that his government has no objection to his receiving AFROTC training, or have in his possession Immigration Form I–94 stamped "paroled indefinitely" or "indefinite voluntary departure."

(b) *Enrollment limitations:*

(1) HQ, USAF may limit alien enrollments of other than nonimmigrant aliens.

(2) Active recruiting of nonimmigrant alien students for the AFROTC program is prohibited.

(3) Alien students are eligible for enrollment in both the 2- and 4-year programs, and may be extended the advantages of membership thereof, except that they:

(i) May not receive a Selective Service deferment.

(ii) Will not be enlisted in the United States Air Force Reserve.

(iii) Will not be administered the Oath of Allegiance.

(iv) Are ineligible for monetary assistance under the CSP.

(v) Will not be paid subsistence allowance prescribed by 37 U.S.C. 209(a).

(vi) Are ineligible for U.S. Air Force commissioning through the AFROTC program while still in alien status. (The Commandant, AFROTC, establishes procedures to insure that each alien student understands and acknowledges that participation in and completion of AFROTC will not result in appointment as a Regular or Reserve officer of the United States Air Force.)

(4) Alien students will not be charged against the AFROTC enrollment limitations prescribed by HQ, USAF.

(c) *Entitlements.* Alien students participating in AFROTC are entitled to:

(1) Wear the uniform. Institutions may be provided commutation funds at the rates prescribed by Part 874 of this chapter in lieu of issue-in-kind uniforms. The student must return uniform items to the institution upon completing the program or withdrawing from it.

(2) The same subsistence-in-kind furnished other enrollees as prescribed by 10 U.S.C. 2110(c).

(3) The same subsistence, transportation, medical attention, uniform clothing, and equipment furnished other enrollees while participating in field training (10 U.S.C. 2109(b)).

(4) Pay at the rate prescribed for cadets at the U.S. Air Force Academy (37 U.S.C. 209(c)), when participating in field training.

(d) *Attendance at field training:*

(1) Immigrants participating in the 4-year program are permitted to attend 4-week field training only if they are admitted to membership.

(2) Immigrants who apply for entry into the 2-year program are permitted to attend 6-week field training provided it can be reasonably assumed that they will qualify for membership prior to completion of the POC.

(3) Nonimmigrant aliens may attend either 4- or 6-week field training as normally scheduled.

(e) *Eligibility for membership.* Immigrants who become naturalized citizens of the United States may compete for GMC, POC, or CSP membership in the same manner as any other applicant and may request accreditation of successfully completed course work and corps training while in alien student status, in accordance with § 870.86, line 7. They are not authorized retroactive subsistence pay for any period of participation in the POC before attaining membership.

Subpart C—Selective Service Deferment of AFROTC Members and Designated Applicants

§ 870.40 Military colleges participating in the AFROTC program.

A member of an officer procurement program at a military college is not required to register under the Military Selective Service Act of 1967. Moreover, he is relieved from liability for training and service and, therefore, need not execute AF Form 1041, Deferment Agreement. The curriculum of the military college the student attends must be approved by the Secretary of Defense. Virginia Military Institute, The Citadel, and Norwich University, approved and designated as military colleges by the Secretary of Defense, participate in the AFROTC program. Membership in the AFROTC program at these institutions serves as the basis for ID classification.

§ 870.42 Deferment selection criteria.

The PAS at other than military colleges (§ 870.40) selects individuals for a deferment as follows:

(a) All members who have registered with Selective Service, have not completed their Military Service Obligation, and who are admitted to the:

(1) GMC as nonscholarship cadets are given a deferment at the time of enrollment in their first Aerospace Studies Course, if they so elect, or any time thereafter at the cadets' requests so long as they remain members of the GMC.

(2) POC under 10 U.S.C. 2104 or the CSP under 10 U.S.C. 2107 are given a deferment or have it continued if one is in force at the time the AFROTC Category Agreement becomes effective.

(b) All other male members who are not of draft age and who are:

(1) Scholarship cadets or nonscholarship POC cadets are given a deferment at the time they register with Selective Service.

(2) Nonscholarship GMC cadets are given a deferment at the time they register with Selective Service, if they so elect, or any time thereafter at the cadets' requests so long as they remain members of the GMC.

(c) Pursuing students may be deferred.

(d) GMC cadets who are members of a Reserve or National Guard unit need not be deferred, but are reported according to § 870.56.

§ 870.44 Delay of induction.

(a) Designated applicants and 4-year CSP designees may not be deferred; however, their Selective Service boards may be requested to delay their induction pending enrollment as follows:

(1) *Designated applicants.* A letter is sent once the individual is selected by the PAS as a designated applicant, but no earlier than the beginning of the spring term prior to the individual's scheduled enrollment in the POC.

(2) *Four-year CSP designees.* The PAS notifies the Selective Service board once it is determined that the individual requires a letter to permit his enrollment.

(b) If the designated applicant or CSP designee withdraws from consideration, the PAS must notify the board accordingly, by letter.

(c) If the individual's board fails to honor the letter, the PAS may report the fact to AFROTC, who will in turn contact AFMPC if additional action is required.

§ 870.46 Length of deferment.

An individual's deferment normally remains in effect until he successfully completes the AFROTC program and accepts a commission. If he is disenrolled from AFROTC membership, his deferment is terminated immediately unless he is recommended for involuntary call to extended active duty (EAD) in his enlisted grade.

§ 870.48 Actions required for deferment.

(a) The PAS (or designated representative) will explain the following to the member:

(1) His military service obligation.

(2) The contractual obligation he assumes by signing AF Form 1041. Specifically, he agrees to accept an appointment, if offered, as a commissioned officer in the Air Force, and if:

(i) His services are required at the time of his appointment, he will serve on active duty for a minimum of two years and remain a member of a Regular or Reserve component until the sixth anniversary of his commission. (The 6-year requirement applies notwithstanding the fact that the individual may have fulfilled the military service obligation specified in 10 U.S.C. 651.) Also, the active duty service commitment indicated in his AF Form 1056 takes precedence over the 2-year minimum prescribed by the Military Selective Service Act of 1967.

(ii) His services are not needed on active duty when he is appointed, he will serve on active duty for training for a period of three to six months and remain a member of a Reserve component until the eighth anniversary of his commission.

(3) That if his ID classification is changed by his local Selective Service board, he must immediately:

(i) Notify the PAS.

(ii) Submit a written appeal of his classification to his local Selective Service board.

(b) The member certifies that he:

(1) Agrees to the provisions of AF Form 1041 by signing it.

(2) Understands that signing the AF Form 1041 does not relieve him of his obligation of keeping his local Selective Service board informed of his status.

§ 870.50 Notifying Board of deferments and transfers.

(a) After the individual has completed and signed the AF Form 1041, the PAS will notify the local Selective Service Board when the individual:

(1) Enrolls in the GMC.

(2) Enrolls in the POC in pursuing student status.

(3) Is enlisted in the USAFR (ORS).

(4) Is gained through transfer.

(b) If the individual's board fails to honor the DD Form 44, the PAS will report the facts to AFROTC, who contacts AFMPC if additional action is required.

§ 870.52 Notifying Board of change of deferment status.

If there is a change in an individual's deferment status:

(a) The PAS is responsible for notifying the Selective Service System of changes of deferment status of all individuals who are disenrolled from membership for reasons other than commissioning.

(b) ARPC is responsible for advising Selective Service boards as follows:

(1) *AFROTC graduates.* A revised DD Form 44 will be forwarded to the AFROTC graduate's local Selective Service board immediately after appointment as a Reserve officer, indicating the date the registrant was commissioned.

(2) *Former AFROTC contract cadets awaiting orders to involuntary EAD in their enlisted grade.* Individual will be retained in a deferred status until ordered to EAD in his enlisted grade. DD Form 44 will be prepared and forwarded as prescribed by AFR 35-41, Participation and Assignment Within the Reserve Component, for other members of the Air Reserve Forces who are serving in a draft deferred status (obligors who have not served on active duty other than for training for at least one year). If the individual is discharged from the Reserves before his EAD date for medical reasons, the DD Form 44 will be attached to a copy of the SF 88 serving as the basis for the medical disqualification.

(3) *Members disenrolled from AFROTC and approved for discharge.* A revised DD Form 44 will be forwarded to the individual's local Selective Service board immediately after discharge, indicating the effective date the registrant was discharged. For a nonprior service cadet, the statement, "Individual is eligible for service under appropriate Selective Service directives. He has no prior active military service.", will be included.

§ 870.54 Transfer procedures.

On transfer of a member to another institution and enrollment into the AFROTC, the gaining PAS will prepare a revised DD Form 44, entering the member's new unit and location, and forward it to the local Selective Service board with which the member is registered, requesting that the previously submitted form be rescinded.

Subpart D—Special Procedures

§ 870.56 Participation and assignment in the Reserve establishment or National Guard.

(a) Members of the GMC who are not members of the CSP may participate in any element of the Reserve establishment or National Guard. At the end of each calendar year the PAS furnishes the cadet's unit of assignment a statement

that participation in the AFROTC program has been satisfactory or unsatisfactory.

(b) If a member of the Reserve ceases to participate in AFROTC or is disenrolled from GMC membership, the PAS notifies the cadet's unit of assignment.

§ 870.58 Enlistment of a reservist from another service.

For a reservist of another armed service (including the Air National Guard), the PAS will:

(a) Request the individual's Reserve unit of assignment to grant a conditional release as a prerequisite to enlistment in the United States Air Force Reserve (USAFR) (ORS) and admission to membership in the CSP/POC.

(b) Upon receipt of the conditional release, enlist the individual under Part 888d of this chapter, and assign him to ARPC (ORS) (AFROTC) and attach him to the AFROTC detachment concerned.

(c) Forward the cadet's records to ARPC.

(d) Notify the releasing service that the individual is enlisted.

§ 870.60 Credit for previous education, training, and experience.

(a) A cadet may be credited with a portion or portions of the GMC or POC as shown in § 870.88.

(b) Credit may not be granted for ROTC training received at any institution that did not have a commissioned officer of the military forces (active or retired) assigned by orders of a military department as a Professor of Military Science, Professor of Naval Science, or Professor of Aerospace Studies.

§ 870.62 Transfer of ROTC cadets.

(a) Interservice transfer between Army ROTC and Air Force ROTC is authorized under the conditions in paragraphs (a) (1) and (2) and this section.

(1) Students may transfer between the Army ROTC and the Air Force ROTC at any time prior to admission to the advanced course with the approval of the Professor of Military Science (PMS) and the PAS concerned.

(2) Students who are enrolled in the advanced course are permitted to enter the advanced course of the other service subject to the approval of the PMS, PAS, army commander and the Commandant, AFROTC, if fully qualified in accordance with the standards and requirements of the service to which they desire to transfer.

(b) Transfer of AFROTC cadets between detachments is authorized. When a contract cadet transfers to another detachment, the PAS of the losing detachment will publish a Reserve Order confirming the transfer and provides a copy to ARPC.

(c) There is no formal agreement between the Air Force and the Navy regarding transfer of contract cadets; each such case is submitted to AFROTC for individual evaluation.

Subpart E—Disenrollment and Discharge

§ 870.64 Disenrollment of member from the AFROTC program.

(a) The Commandant, AFROTC, may disenroll a cadet from the GMC (with the concurrence of institutional authorities if required), disenroll a POC cadet from membership, or withdraw a cadet from the CSP for any of the reasons in paragraphs (a) (1) through (5) of this section:

(1) Inability, without discredit, to continue regular enrollment in the institution.

(2) Failure to remain medically qualified for commissioning.

(3) Failure to maintain acceptable retention standards under the prescribed competitive criteria.

(4) Individual's request for release for justifiable reasons.

(5) Inaptitude, indifference to training, breach or anticipatory breach of the terms of the category agreement, disciplinary reasons, reasons involving undesirable traits of character, or declining to accept a commission.

(b) The Commandant, AFROTC, may delegate to the PAS the authority to disenroll cadets and/or withdraw them from the CSP.

(c) When the PAS initiates a disenrollment action on a contract cadet for any of the reasons in paragraph (a) (3) through (5) of this section, the PAS appoints a commissioned officer (on active duty) to investigate the case and submit a written report. When the investigation is conducted because the student may be found to be in violation of the category agreement, at least one university official (an administrator or faculty member appointed by the institution) is permitted to observe the investigation or consult in the review if the university desires.

(EXCEPTIONS. Appointment of an investigating officer and a written report are not required: (1) In disenrollment actions taken under paragraph (a) (3) of this section, where failure to maintain academic retention standards is documented and the individual is on academic/scholastic probation for consecutive academic terms, or when the individual is forced to leave school because of academic suspension; (2) When HQ. USAF, AU, or the Commandant, AFROTC, reviews a cadet's records and directs disenrollment; (3) When a GMC member of the CSP is disenrolled and the individual did not receive a scholarship through the competition open to active duty airmen.)

§ 870.66 Discharge from the United States Air Force Reserve.

Cadets disenrolled from the CSP/POC will be discharged from the USAFR (ORS) unless reported for involuntary call to extended active duty under Part 888d of this chapter.

§ 870.68 Notifying ARPC of disenrollments.

A roster of cadets and disenrolled cadets qualified for discharge under Part 888d of this chapter is submitted by the Commandant, AFROTC, to ARPC/DPAAD at least once a week. The Commandant, AFROTC, determines if disenrollment was the result of indifference to training, disciplinary reasons, breach or anticipatory breach of the terms of the category agreement, or declining to accept a commission; the names of such individuals are reported to ARPC/DPRP for involuntary order to active duty, as prescribed in Part 888d of this chapter.

Subpart F—Readmission

§ 870.70 Readmission.

The Commandant, AFROTC, prescribes policy and procedures for readmitting individuals for program completion and commissioning in the U.S. Air Force. This readmission is restricted to persons disenrolled for the reasons stated in paragraph (a) (1) through (4) of § 870.64. A cadet is disenrolled for any of the reasons in paragraph (a) (5) of § 870.64 is ineligible to reenroll in any Air Force officer procurement program or to be appointed in any Air Force component unless waiver is authorized (§ 870.86).

Subpart G—Appointment and Assignment of Graduates

§ 870.72 Appointment of graduates.

Membership in the program in itself does not constitute a right to a commission in any Air Force component. The Commandant, AFROTC, shall appoint as a second lieutenant a contract cadet who has successfully completed the military and academic requirements of the program once the cadet has received a bachelor's degree or an authorized institutional official certifies that the individual has qualified for a degree which will be conferred at a later date, provided the cadet is otherwise qualified and is not to be released to another service under § 870.78.

(a) Cadets granted scholarships as physician candidates are tendered a line appointment upon successful completion of AFROTC and academic requirements. Reappointment in the Medical Service Corps will be accomplished upon entering a medical school acceptable to the Surgeon General. If such a scholarship cadet is admitted into an acceptable medical school prior to completing undergraduate degree and/or AFROTC requirements, the individual will be disenrolled under the provisions of paragraph (a) (4) of § 870.64 effective the day prior to appointment in the Medical Service Corps. In any event, failure to become enrolled in an acceptable medical school within one year of graduation will result in the officer retaining a line appointment and serving on active duty in an appropriate Air Force specialty.

(b) Nurse candidates are not tendered a line appointment. Upon completion of nurse licensing requirements, each nurse is tendered an appointment in the USAF Nurse Corps.

(c) The date of rank of May and June appointees in any year is the same as the graduates of the United States Air Force Academy.

(d) The Commandant, AFROTC, may not commission in the Reserve of the Air Force without a waiver from HQ, USAF, a former Service Academy cadet (including Coast Guard and Merchant Marine) prior to the commissioning date of his Service Academy ex-classmates (§ 870.86).

(e) If a student becomes involved with civil authorities, and criminal charges (except minor traffic violations) are filed or pending, the student must not be commissioned until final disposition of the case is made. If criminal charges are not expected to be disposed of within 120 days after the cadet's scheduled commissioning date, a complete case file will be forwarded to AFMPC for waiver determination.

(f) Each POC cadet must recertify the AF Form 2061 as prescribed in AFR 30–19, Illegal or Improper Use of Drugs, before appointment.

§ 870.74 Extended active duty for AFROTC graduates.

A contract cadet receiving an Air Force commission normally enters active duty within one year of graduation, unless a delay is approved under Part 875 of this chapter or the cadet has contracted for service in the Reserve Forces. A graduate must serve the period specified on the AF Form 1056 under which originally appointed, even though the individual may be reappointed later (such as a commissioned officer in the Medical Corps, Nurse Corps, Medical Service Corps, or Biomedical Sciences Corps). This part is authority for ordering AFROTC graduates to initial active duty. AFR 45–26, Voluntary Entry on Extended Active Duty (EAD) of Commissioned Officers of the Reserve Forces, authorizes higher temporary grades in which certain officers may be entitled to enter active duty.

§ 870.76 Distinguished graduates.

The Commandant, AFROTC, may designate up to 20 percent of the best qualified AFROTC graduates as Distinguished Graduates (DGs) during each fiscal year provided the quality of the student body is sufficiently high. To insure that only the highest quality students in the entire program are designated as DGs, the percentage of graduates from each school may vary. However, the total number of graduates designated during any fiscal year may be no more than 20 percent of the combined total number of graduates of that year.

§ 870.78 Release of AFROTC graduates for appointment in another service.

An AFROTC graduate who meets eligibility requirements listed in this section may be released from the Air Force to accept an appointment as a commissioned officer in the Army or the Marine Corps. The Navy does not offer direct appointments to ROTC graduates of another service.

(a) *Eligibility.* In addition to meeting normal eligibility requirements for an Air Force commission, a cadet must either have served one year on active duty in the service in which an appointment is desired, or the cadet's parent must be an active or retired member of that service (or have died while an active or retired member). Except in unusual cases, the Marine Corps approves only applications from distinguished cadets or distinguished graduates who have reached their 20th birthday, but not their 25th birthday as of July 1 of the calendar year in which they are to be appointed.

(b) *Application procedures:*

(1) Applications will be submitted to the PAS and will include:

(i) Reason for requesting selected service.

(ii) Reasonable proof that applicant meets eligibility requirements.

(iii) College transcripts.

(iv) Full length photograph of the applicant in uniform without a cap.

(v) Results of physical examination (SFs 88 and 93).

(2) The Commandant, AFROTC, may grant a conditional release to eligible applicants. The release and the applications are forwarded to the Department of the Army, The Adjutant General, or to the Commandant of the Marine Corps, as appropriate.

§ 870.80 Air Force appointment of ROTC graduates from another service.

An ROTC graduate of another service may be appointed as a commissioned officer in the Air Force, provided the individual meets eligibility requirements listed in this section and is granted a conditional release from the releasing service. Approved applicants are ordered to active military service with the Air Force as Reserve of the Air Force officers and are required to serve at least four years of active service before becoming eligible for separation or release from active duty. Applicants for flying training are required to serve five years of active service after award of aeronautical rating.

(a) *Eligibility.* An applicant must meet minimum AFROTC eligibility requirements for an Air Force commission as outlined in Part 881d of this chapter and this part. Applicant must either have served one year on active duty in the Air Force or the applicant's parent must be an active or retired member of the Air Force (or have died while an active or retired member).

(b) *Application procedures.* A cadet who desires appointment in the Air Force must apply, using regulations of the releasing service. However, the Air Force requires before commissioning and entry on active duty:

(1) Reasonable proof that applicant has served one year on active duty in the Air Force or that the applicant's parent is or has been a career active duty member of the Air Force. If applicant has prior active military service in the Air Force, a copy of DD Form 214, Report of Separation from Active Duty, is required.

(2) An AF Form 24, Application for Appointment as Reserves of the Air Force or USAF Without Component, in duplicate.

(3) AF 88 and SF 93, in duplicate. Flying training applicants must be administered a flight physical by an Air Force Flight Surgeon or Flight Medical Officer (class I for pilot—class IA for navigator).

(4) The results of the Air Force Officer Qualifying Test (any Air Force recruiter will schedule testing).

(5) A DD Form 398, in duplicate.

(6) Transcripts of college work, as evidence of the applicant's educational level.

(7) Evidence of favorable completion of a BI or NAC, date completed, and location filed.

(8) Men applicants who have not attained their 26th birthday and who have had no prior military status, must submit statement required by Part 881 of this chapter.

(9) An applicant who is not a citizen of the U.S. by birth must submit statement required by Part 881 of this chapter.

(10) Recommendation of the Professor of Military or Naval Science.

(11) An Active Duty Service Commitment Statement of Understanding, dated and signed by the applicant.

(12) An AF Form 2061 and, if required, AF Form 2031.

Subpart H—Tables

§ 870.82 Eligibility criteria for establishment of an AFROTC unit.

Line	An educational institution must—	And meet the following minimum standard—
1	Apply in writing to the Commandant, AFROTC, Maxwell Air Force Base, Ala. 36112.	
2	Be fully accredited by the appropriate regional authority.	
3	Agree to establish a Department of Aerospace Studies as an integral academic and administrative department of the institution.	As a descriptive term for the ROTC educational activity on campus, the word "Program" is acceptable instead of "Department" provided no extracurricular connotation is involved. The term "Program," in this sense, would be applied to AFROTC in the same manner as other academic programs within the institution.
4	Agree to provide adequate physical facilities.....	Make available to the Department of Aerospace Studies the necessary classrooms administrative offices, storage space, Government vehicle parking areas, staff parking areas and other required facilities in the same manner and at the same level as is provided to other departments of the institution. Parking space for Government vehicles will be provided without charge.
5	Agree to provide adequate administrative support.	Provide adequate secretarial, janitorial, and telephone services to the Department of Aerospace Studies on the same basis as is provided to other departments within the institution.

Line	An educational institution must—	And meet the following minimum standard—
6	Confer academic rank on AFROTC personnel.	Give the senior commissioned officer of the AFROTC unit the academic rank of professor, including appropriate prerogatives and prerequisites (except tenure) associated with the position of a professor as head of a department or program at the institution. (Other AFROTC officers will be evaluated by the host institution for appropriate academic rank using procedures comparable to those used for their civilian faculty colleagues.) As an alternative to the title of professor for the senior commissioned officer of the AFROTC unit, the most complimentary title is the officer's military title. Other titles, such as Visiting Professor, are acceptable provided the prerogatives and prerequisites of professorial rank (excluding tenure) accompany the position, and the title is not demeaning or indicative of some lesser status.
7	Adopt as part of its curriculum a 4-year course of military instruction or a 2-year course of advanced military instruction, or both, which the Secretary of the Air Force prescribes and conducts. Student enrollment shall be elective or compulsory as provided by state law or the institution.	Require each student enrolled in any of the programs to devote the number of class hours to Aerospace Studies prescribed by the Secretary of the Air Force. (See note.)
8	Arrange for the scheduling of Aerospace Studies classes to make it equally convenient for students to participate in the academic offerings of the Air Force Reserve Officers' Training Corps program as in other courses at the same educational level.	
9	Grant appropriate academic credit applicable toward graduation for the successful completion of courses offered by the Department of Aerospace Studies.	The amount of credit should be determined by the institution on a basis equitable with the award of credit for other institutional courses requiring similar expenditures of student time and effort. Such credit should apply toward graduation requirements, as elective or required course credit, and be included in the computation of the grade-point-average.
10	Be capable of producing a sufficient number of officers to justify Department of Defense resources invested, considering (among other factors) the number of students enrolled who are prospective officer candidates and the proportion of each entering academic class that normally receives degrees from the institution.	First year POC enrollment in AFROTC courses (AS 300) should be at the following level, as a minimum: 17 cadets by the fall of the unit's third year of existence, where the institution prescribes a 4-year or combination 4- and 2-year program. 12 cadets by the fall of the unit's second year of existence, where the institution prescribes a 2-year only program.
11	Certify that it does not discriminate with respect to admission or subsequent treatment of students on the basis of race, creed, sex or national origin.	Warrant and represent that it does not, and will not discriminate in any way with respect to the admission or subsequent treatment of students on the basis of sex (except religion-sponsored institutions), race, color, or national origin. It is further mutually agreed that a violation of this covenant, as determined by the Secretary (or appropriate designee), may be regarded as a breach of the AFROTC contractual agreement, justifying termination thereof, at no cost to the Government, by the Secretary (or designee).

NOTE: The Air Force will cooperate with institutional standing committees on ROTC to develop a program of instruction consistent with the goals of both parties, but cannot accept changes inconsistent with the law of Department of Defense policies.

§ 870.84 Eligibility requirements for admission to membership in AFROTC.

Line	An individual must—	If he desires to participate in— GMC (AS 100 AS 200)	FT	POC (Note 1) (AS 300 AS 400)	CSP (Notes 1 and 2)
1	Be a full time student	X		X	X.
2	Be of good moral character and be medically qualified under AFM 160-1, "Medical Exams and Medical Standards."	(Note 3)	X	X	X.
3	Execute the Oath of Allegiance	X	X	X	X.
4	Be a U.S. citizen	X	X (note 4)	X	X.
5	Enlist in the USAFR (note 5)			X	X.
6	Not be a conscientious objector	X (note 6)	X	X (note 6)	X.
7	Have attained age of 14	X			
8	Have attained age of 17		X (note 7)	X (note 8)	X (note 9).
9	Sign Deferment Agreement (Military colleges and women excepted).	(Note 10)	X	X	X.
10	Execute AFROTC contract (AF Form 1056/AF Form 1448), with parental consent if under 21 years of age.		X	X	X.
11	Be enrolled in the 4-year program	X			
12	Successfully complete any preselection survey, procedure, or screening device prescribed for entry into the desired category.		X (note 11)	X (note 11)	X (note 11).
13	Meet the 2 academic years remaining requirement at time of enrollment.			X (note 12)	
14	Be in good academic standing and not be on academic probation.		X	X (note 13)	X.
15	Successfully complete or receive credit for the GMC or successfully complete 6-week FT.			X	
16	Execute USAF Drug Abuse Certificate (note 14)		X	X	X.

NOTES 1. A former member of a service academy (including Coast Guard and Merchant Marine Academies) is ineligible unless a waiver is granted per § 870.86. He may be enrolled as a pursuing student and be deferred subject to the restriction of § 870.86, line 2.

2. Cadets in the 2- and 4-year programs are eligible for membership in the CSP. Cadets initially becoming scholarship recipients at the AS 300 level must have completed the GMC, received GMC credit under § 870.86, or completed the 6-week field training. Cadets initially becoming scholarship recipients at the AS 200 level must be capable of completing the GMC before entry into the POC. Students enrolled in law school are prohibited from the CSP by the Defense Appropriation Act.

3. For GMC cadets, enrollment in the institution is considered as evidence of good moral character. Medical qualification is determined by authorities of the institution for GMC cadets.

4. See § 870.38(d) for exceptions.

5. If already a member of any Reserve component of any military department, including the USAFR, must be discharged and reenlist in the USAFR (ORS) or transfer to the USAFR (ORS).

6. An individual who claims to be a conscientious objector will be denied membership, but may participate as a special student.

7. Individuals may attend field training if they will attain the age of enlistment before entry into the POC.

8. Must be able to complete all requirements for appointment by age 26½ if a Category IP or IN and by age 30, if Category IM, II, or III. The Commandant, AFROTC, may waive the maximum age restriction for outstanding and deserving cadets, provided the Category IP or IN cadet is commissioned and entered into flying training by age 27½; may also waive the maximum age restriction for Category IM, II, or III cadets who were scheduled for commissioning by age 30 but because of unusual circumstances were not appointed. Commissioning must occur before a cadet attains the age of 32.

9. Must be able to complete all Aerospace Studies courses, prescribed field training, and degree requirements and not have reached 25th birthday by June 30 of the calendar year in which eligible for appointment. (This requirement is statutory and cannot be waived.)

10. Provisions for deferments for GMC members are stated in § 870.42.

11. Applicants for the POC or CSP are administered the AFOQT and their scores are evaluated as part of the selection process. Category IP and IN applicants must attain qualifying scores as prescribed by AFR 51-4, "Application Procedures for Undergraduate Pilot Training (UPT) and Undergraduate Navigator Training (UNT)". Nurse candidates for participation in FT or the POC are also required to submit recommendations from the Dean (or other designated official) of the nursing school, two faculty members (nursing faculty preferred), and a nurse coordinator for the geographic area in which the school is located.

12. Undergraduate students having less than two academic years remaining before graduation and graduate students may be selected for the POC if they have two academic years remaining on campus. However:

(a) Approval of AFMPC must be obtained before selection of students who will require an educational delay (Part 875 of this chapter) of more than 12 months to complete the advanced degree program in which they will be enrolled at the time of commissioning.

(b) Applicants must sign a statement acknowledging that the needs of the Air Force are paramount and no guarantee of assignment in or related to any academic discipline can be given.

(c) Applicants who will be studying law upon commissioning must sign a statement of understanding that completion of legal licensing requirements in no way constitutes

a guarantee of assignment to judge advocate duties.

13. A student with an AFROTC scholarship that was activated while the student was a GMC cadet need not demonstrate academic proficiency again at the time of admission to the POC.

14. If applicant fails to certify to no prior drug abuse on AF Form 2061, AF Form 2031 must be accomplished as outlined in AFR 30–19.

§ 870.86 Individuals who require a waiver and waiver granting authority.

Line	A: If an individual requires a waiver for retention in or admittance to the AFROTC program, and is—	B: Then a waiver must be obtained prior to commissioning or prior to entry into the program, and waiver authority is—		
		AFMPC	AU	AFROTC
1	A POC/CSP cadet or applicant who was a former service academy cadet and who will complete commissioning requirements before his ex-academy classmates.	X		
2	Any applicant for membership who was previously eliminated from an officer-type training program because of military inaptitude, indifference to training, major honor violations, undesirable traits of character, disciplinary reasons, or who resigned in the face of impending charges. (The applicant will not be enrolled or granted a Selective Service deferment until waiver is approved.)	X (note 1)	X (note 2)	
3	A POC/CSP applicant who has previously attended a service academy (including the Coast Guard and Merchant Marine Academies).	X (note 3)		
4	A POC/CSP applicant who attended but did not complete a service academy preparatory school or who has been a member of any officer program except a service academy.		X	(Note 4.)
5	A POC/CSP applicant who is on academic probation or not in good academic standing.		X (note 5)	X (note 6).
6	A POC applicant who requires more than one academic term in pursuing status to become eligible for membership.			X.
7	An individual who, to qualify for membership, requires accreditation of successfully completed Aerospace Studies course work and training while in special or alien student status.			X.
8	A POC cadet who will require completed cadet status in excess of 12 months or who will require retention in completed status after award of baccalaureate degree.			X (note 7).
9	A cadet who had two academic years remaining when admitted to the POC but who, by virtue of superior performance or unusual circumstances, is eligible for earlier graduation and commissioning. (This includes concurrent enrollment required by school disestablishment action.)			X.
10	A cadet who requires relief from normal retention standards (academic or disciplinary). PAS may waive less than full-time student status for nonscholarship GMC cadets, and for POC members for the last academic term provided the cadet is enrolled in at least one course in addition to Aerospace Studies, or during the last academic term a cadet is in completed status.)			X (note 8).
11	A category IP/IN POC cadet or applicant who would exceed age 26½ at time of commissioning (may be waived if individual can be commissioned and entered into flying training by age 27½); a category IM/II/III POC cadet who would exceed age 30 at time of commissioning (may be waived to age 32 if the cadet was scheduled for commissioning but because of unusual circumstances was not appointed, or if the cadet has prior active enlisted or warrant officer service).			X.
12	A POC/CSP applicant or cadet who has been convicted by a court-martial or a civil court for any offense other than that which is minor.		X (note 9)	X (note 9).
13	A POC/CSP applicant or cadet who has had minor civil or military convictions which would not be prejudicial to performance of duty as an Air Force officer and which do not indicate unacceptable traits of character.			X.
14	A POC/CSP applicant or cadet who has committed an offense resulting in less than a conviction.			X (note 10).
15	In a condition which reqtiires a waiver for a reason for which waiver authority is not specified.	X		

NOTES. 1. Former service academy cadets only.

2. AU determines eligibility in all cases not involving former service academy cadets.

3. If DD Form 785, Section IV, is marked in block 1, 2, or 4, and the form contains no derogatory information, AU determines eligibility.

4. AFROTC may approve the readmission of certain former AFROTC cadets (§ 870.70).

5. To activate a scholarship a student must be in good academic standing or, if not in good academic standing, have both a cumulative grade point average (GPA) and preceding term GPA of at least 2.0 on the scale A is equal to 4.0. Additionally, a physician candidate must have at least a 3.65 cumulative GPA to activate a scholarship.

6. AFROTC may prescribe procedures for attendance at the 6-week field training and enrollment in pursuing status.

7. Not applicable to nurse candidates.

8. Cadets may not be retained in scholarship status for more than one academic term during which they are not in good academic standing unless they have a cumulative and a term GPA of at least 2.0 on the scale A=4.0. Additionally, students granted scholarships as physician candidates may not be retained in scholarship status if their term or cumulative GPA remains below 3.65 on the scale A=4.0 for more than one academic term.

9. AU may approve or disapprove; AFROTC may disapprove only.

10. Involvements which do not result in a conviction (such as deferred prosecution or nonjudicial punishment under the UCMJ)

may indicate unacceptable traits of character or be prejudicial to an applicant or member's performance of duty as an Air Force officer. The Commandant, AFROTC, has authority to evaluate the circumstances of such involvements and grant or deny a waiver.

§ 870.88 Credit for previous education, training, and military experience.

Line	A If the applicant has successfully completed—	B Then the PAS may credit—	C And, additionally, the Commandant, AFROTC, may credit—
1	A U.S. Armed Forces, Coast Guard or Merchant Marine Academy preparatory school, or portions of the first two years at a U.S. Armed Forces, Coast Guard, or Merchant Marine Academy (note 1).	Up to, but not exceeding an equivalent portion of the GMC.	
2	The basic course or portions of the basic course while a member of Army, Navy, or Air Force ROTC.		
3	At least two years of junior level (high school) ROTC, or equivalent training in the Civil Air Patrol.	One academic term (semester, trimester, or quarter) of the GMC.	
4	Three years of junior level (high school) ROTC or equivalent training in the Civil Air Patrol (note 2).	One year of the GMC (note 3).....	
5	Four years of junior level ROTC (high school) at a military school or academy.	The GMC or a portion of it (note 4).	
6	More than 60 days of active duty or active duty for training in any U.S. military department.	The GMC or portion of it as prescribed by the Commandant, AFROTC (note 5).	(Note 6.)
7	Portions of the last two years at a U.S. Armed Forces, Coast Guard, or Merchant Marine Academy.	Portions of the POC on a term-for-term/academic year basis (2d classman-AS 300) not to exceed one year.	One additional term of the POC if the ex-academy cadet was disenrolled from the academy after successful completion of the first half of his senior year (note 1).
8	Portions of the last two years of advanced training and/or field training of the Army or Navy ROTC.	Portions of the POC on a term-for-term/academic year basis not to exceed one year and field training.	One additional term of the POC if the former ROTC cadet was disenrolled from Senior ROTC after successful completion of at least one academic term of the last year (note 7).

NOTES. 1. Refer to § 870.86 to determine required waiver action.

2. CAP cadets who earned the Carl A. Spaatz Award may be credited with 75% of the GMC.

3. Students presenting evidence of succesful completion of a junior ROTC program are entitled to one year's credit in the GMC upon their request.

4. Rather than waive the entire GMC, consider requiring the cadet to complete at least one quarter or semester to give a basis on which to evaluate him for entrance into the POC.

5. The entire GMC will not be waived for cadets with less than 180 days of active duty or active duty for training.

6. The Commandant, AFROTC, may establish requirements and procedures for accrediting 4-week field training on the basis of previous military training and experience.

7. An additional term or terms may be credited by AU.

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF Chief, Legislative Division Office of The Judge Advocate General.

[FR Doc.75-1889 Filed 1-22-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 313-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Missouri: Approval and Disapproval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards.

The State of Missouri submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. These schedules were adopted by the State and submitted to the Environmental Protection Agency for review after notice and public hearings. The public hearings were held in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The approvable compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Missouri.

Accordingly, the Administrator proposed approval and disapproval of these schedules on September 23, 1974, in the FEDERAL REGISTER at 39 FR 34066 and 39 FR 34068 in two separate schedules. The proposed approval and disapproval of these schedules published in the September 23, 1974, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. Set forth below are specific compliance schedules which the Administrator approves and disapproves pursuant to 40 CFR 51.8.

Due to an oversight, many of the sources published in each of these two separate schedules were duplications. These two schedules are therefore combined in this promulgation of final approval.

Disapproval of the Union Electric Labadie and Portage des Sioux schedules is due to failure to comply with the substantive requirements relating to compliance schedules in 40 CFR 51.15. These schedules do not contain increments of progress or firm compliance dates as required by § 51.15(a). These air pollution sources continue to remain subject to the immediately-effective compliance date set by applicable State regulations in the federally-approved State Implementation Plan.

The following sources have been revised and will be reproposed in a later publication: A. P. Green, Mexico; Allied Chemicals, Owensville; Kaiser Refractories, Rotary Kiln #2, Mexico; Missouri Power and Light, Jefferson City; Gardner-Denver, LaGrange.

ADM Milling, North Kansas City, source 03 Mixers and Bulk Plant Suction has been eliminated.

Kansas City Power and Light, Kansas City, was proposed as disapproved on September 23, 1974. This source is now approvable and is being reproposed in a separate FEDERAL REGISTER publication.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do. The Effective Date column in the table refers to the date the compliance schedule becomes effective for purposes of Federal enforcement.

In the indication of approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of each individual schedule in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. These evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri. The compliance schedules and the State Implementation Plans are available for public inspection at the Environmental Protection Agency Regional Office; the Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street, Washington, D.C.; and the Missouri Department of Natural Resources, State Office Building, Jefferson City, Missouri.

This rulemaking will become effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the compliance schedules are already in effect under

State law and federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of Section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c–5.

Dated: January 15, 1975.

JOHN QUARLES,
Acting Administrator.

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

Subpart AA—Missouri

1. In § 52.1335 the table in paragraph (a) is amended by adding the following:

§ 52.1335 Compliance schedules.

(a) * * *

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
*	*	*	*	*	*
U.S. Steel (Universal Atlas Cement): Rotary cement kiln.	Hannibal	S–V, S–VIII	Jan. 23, 1974	July 31, 1974	July 31, 1974
Kaiser Refractories: Rotary kiln #1.	Mexico	do	Feb. 28, 1973	Jan. 18, 1974	Jan. 18, 1974
St. Joseph Light and Power:					
Boiler #1	St. Joseph	(2)	Jan. 23, 1974	Jan. 23, 1975	May 31, 1975
Boiler #2	do	(2)	do	do	Do.
Boiler #3. (One variance granted).	do	(2)	do	do	Do.
Boiler #4	do	(2)	do	do	Do.
Boiler #5	do	(2)	do	do	Do.
Boiler #6	do	(2)	do	do	Do.
A. P. Green Refractories: Rotary calcining kiln.	Oran	S–V, S–VIII	Mar. 27, 1974	Mar. 27, 1975	June 15, 1975
U.S. By-Products:					
Aluminum turnings operation	Henrietta	(1)	Feb. 27, 1974	Nov. 18, 1974	Nov. 18, 1974
Carbon waste disposal system	do	(1)	do	do	Do.
Aluminum-foil drag kiln operation.	do	(1)	do	do	June 6, 1974
Harbison-Walker Refractories:					
Rotary dryer	Fulton	S–V, S–VIII	Feb. 28, 1973	Jan. 18, 1974	June 1, 1973
Rotary kiln	do	S–V, S–VIII	Feb. 27, 1974	June 30, 1974	June 30, 1974
Franklin County: Stone limestone crusher.	Pacific	(2)	Aug. 23, 1972	Aug. 24, 1973	June 1, 1974
Atlas Powder Company:					
NH_4NO_3 prill—neutralizer	Joplin	S–V	Apr. 24, 1974	Immediately	July 31, 1974
Urea prill tower	do	S–V	do	do	Do.
Stengel reactor	do	S–V	do	do	Do.
Soda spray vent	do	S–V	do	do	Do.
Soda dry furnace	do	S–V	do	do	Do.
Urea desorber stripper	do	S–V	do	do	Do.
CPC International: Wet corn fed rotary dryers.	North Kansas City.	(2)	Jan. 23, 1974	Apr. 25, 1974	Oct. 31, 1974
Mississippi Lime, Mississippi rotary plant:					
Kiln #1, #2, #3, & #4 and coolers.	Ste. Genevieve	(2)	Feb. 27, 1974	Feb. 27, 1975	July 31, 1975
Kiln #5 cooler	do	(2)	do	do	June 30, 1975
Kiln #6 cooler	do	(2)	do	do	Mar. 7, 1975
Kiln #7 cooler	do	(2)	do	do	Nov. 15, 1974
Kiln #8 cooler	do	(2)	do	do	July 12, 1974
Peerless Rotary Plant:					
Kiln #1 cooler	do	(2)	do	do	Oct. 18, 1974
Kiln #2 cooler	do	(2)	do	do	Dec. 27, 1974
Kiln #3 cooler	do	(2)	do	do	Feb. 28, 1975
Kiln #4 cooler	do	(2)	do	do	Apr. 25, 1975
Kiln #5 cooler	do	(2)	do	do	June 27, 1975
Kiln #6 cooler	do	(2)	do	do	July 31, 1975
60" & 5' grinding mills	do	(2)	do	do	July 1, 1974
Henry Worst, Inc.: Lithograph Presses.	North Kansas City.	(2)	Jan. 23, 1974	Nov. 20, 1974	Nov. 20, 1974
Armco Steel:					
Scarfing operation	Kansas City	(10)	Oct. 10, 1973	N/A	Feb. 1, 1974
Electric furnace	do	(10)	do	N/A	Do.
Quisenberry Mills: Railcar unloading.	do	(11)	do	N/A	Dec. 31, 1973
Clay-Bailey Manufacturing: Cupola.	do	(7)	Apr. 18, 1974	N/A	July 31, 1974
Cargill, Inc.: Roof vents	do	(10)	Dec. 19, 1973	N/A	Mar. 15, 1974
Ralston Purina: Rail car unloading #6 and #7.	do	(10)	Oct. 10, 1973	N/A	May 31, 1974
Kansas City Terminal Elevator #2: Grain handling cyclones.	do	(10)	do	N/A	Nov. 15, 1973
GAF Corporation:					
Asphalt blowing	do	(10), (7)	Mar. 28, 1974	N/A	June 30, 1974
Asphalt saturating	do	(10), (7)	do	N/A	Do.
Dry fines unloading	do	(10)	Mar. 5, 1974	N/A	Oct. 1, 1974
True Temper Corp.: Heat treating process.	do	(10)	Dec. 19, 1973	N/A	May 18, 1974
Metallurgical, Inc.: N-2 draw furnace.	do	(10)	Oct. 10, 1973	N/A	Feb. 20, 1974
Centropolis Crusher: Rock pulverizing and drying.	do	(9)	Dec. 18, 1973	N/A	Sept. 5, 1974
ADM Milling:					
20 bran grinders	North Kansas City.	(9)	Jan. 10, 1973	Jan. 10, 1974	June 15, 1972
22 #4 screening grinders	do	(9)	do	do	Dec. 1, 1972
18 bulgur grinder	do	(9)	do	do	Jan. 15, 1973
27 elevator head suction	do	(9)	do	do	Apr. 1, 1973
30 top belt suction	do	(9)	do	do	May 1, 1973
16 A mill entoleter and break suction.	do	(9)	Jan. 23, 1974	July 1, 1974	July 1, 1974
17 B R K suction B mill	do	(9)	do	do	Do.
19 B R K suction A mill	do	(9)	do	do	Do.
23 #8 millerstors B mill	do	(9)	do	do	Do.
29 bottom belt suction—new	do	(9)	do	do	Mar. 29, 1974
28 Bottom belt suction—old	do	(9)	do	do	Do.

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
Bartlett and Company Grain: Missouri Pacific "B" elevator.	Kansas City	(10)	Nov. 29, 1973	N/A	Nov. 1, 1974
Certain-Teed Products: Limestone tank loading.	do	(10)	Dec. 26, 1973	N/A	July 8, 1974

[1] Regulation IV, Air Pollution Control Regulations for Kansas City metropolitan area.
[2] Regulation III & V Air Pollution Control Regulations for Kansas City metropolitan area.
[3] Regulation IX, Air Pollution Control Regulations for St. Louis metropolitan area.
[4] Regulation IV, Air Pollution Control Regulations for Kansas City metropolitan area.
[5] Regulation V & VI, Air Pollution Control Regulations for the Kansas City metropolitan area.
[6] Regulation V, Air Pollution Control Regulations for the Kansas City Metropolitan area.
[7] Section 18.86(A), Kansas City Air Pollution Control Code.
[8] Sections 18.86 (A) & (C) & 18.87, Kansas City Air Pollution Control Code.
[9] Section 18.86(A)(3)(a)(i), Kansas City Air Pollution Control Code.
[10] Section 18.87(A), Kansas City Air Pollution Control Code.
[11] Sections 18.86(C)(1), & 18.87(A), Kansas City Air Pollution Control Code.

2. In § 52.1335 the table in paragraph (b) is amended by adding the following:

§ 52.1335 Compliance schedules.

* * * * * * *

(b) * * *

Source	Location	Regulation involved	Date adopted
*	*	*	*
Union Electric: Electric generating facility	Labadie	X	Mar. 28, 1974
Do	Portage des Sioux	X	July 25, 1974

NOTE.—X=Air Pollution Control Regulations for the St. Louis Metropolitan Area.

[FR Doc.75-1928 Filed 1-22-75;8:45 am]

[FRL 312-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

South Carolina: Approval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all sources must be in compliance with any applicable requirements of the plan.

On February 10, 1973, pursuant to 40 CFR 51.6, the State of South Carolina submitted for the Environmental Protection Agency's approval revisions to the compliance schedule portion of the plan. The compliance schedules submitted by South Carolina were reviewed by the Agency to verify adherence to the requirements of 40 CFR Part 51 pertaining to public hearings, plan revisions, and compliance schedules, as well as consistency with the control strategies of the South Carolina implementation plan. The schedules which met these criteria were published in the FEDERAL REGISTER as proposed rulemaking on January 11, 1974 (39 FR 1641). Copies were made available for public inspection at the Agency's Region IV office in Atlanta, and the office of the Bureau of Air Quality Control, South Carolina Department of Health and Environmental Control in Columbia. All interested parties were invited to submit written comments on the proposed compliance schedules.

No comments were received from the general public or from the affected sources. The State had recodified and revised its air pollution regulations subsequent to the Administrator's initial proposal and the citing of regulations has been changed to reflect their present order.

Each of the schedules given in the table below establishes a date by which an individual air pollution source must attain compliance with the emission limitations of the State implementation plan. This date is indicated in the succeeding table under the heading "final Compliance Date." In many cases the schedule includes incremental steps toward compliance, with specific dates set for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. The entry "Immediately" under the heading "Effective Date" means that the schedule becomes Federally enforceable immediately upon its approval by the Administrator. Copies of the schedules and the South Carolina plan are available for public inspection at the following locations:

Air Programs Office
Environmental Protection Agency
1421 Peachtree Street, N.E.
Atlanta, Georgia 30309

Bureau of Air Quality Control
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

Freedom of Information Center
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

An evaluation of any of the schedules can be obtained by consulting the staff of the Agency's Region IV Air Programs Office at the Atlanta address given above.

The Administrator has determined that all the schedules given here satisfy the requirements of 40 CFR Part 51 pertaining to plan revisions and compliance schedules, and that their approval will not hinder the attainment and maintenance of the national ambient air quality standards. Accordingly, they are hereby approved.

This action is effective immediately. The Administrator finds that good cause exists for making this approval action immediately effective since these schedules are already in effect under State law in South Carolina and the Agency's action imposes no additional regulatory burden on affected facilities.

(Section 110(a) of the Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: January 15, 1975.

JOHN QUARLES,
Acting Administrator.

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

Subpart PP—South Carolina

Section 52.2123 is amended by inserting "§ 51.6 and" immediately before "§ 51.15" in the first sentence of paragraph (b) and by inserting additional lines in the table of paragraph (b) as follows:

§ 52.2123 Compliance schedules.

* * * * *

(b) * * *

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
W. R. Grace and Co., Kearney Expanding plant, Expanding furnaces.	Enoree, S.C.	R2.6 Std. No. 5, Sec. VII R2.4.	Feb. 15, 1973	Immediately	Nov. 5, 1973
W. R. Grace and Co., Kearney Expanding plant, Rotary kiln.	do	do	do	do	Mar. 1, 1974
W. R. Grace and Co., Travelers Rest plant.	Travelers Rest, S.C.	R2.6, Std. No. 5, Sec. VII.	do	do	Dec. 1, 1974
J. M. Huber Corp., Graniteville plant.	Graniteville, S.C.	R2.6, Std. No. 5, Sec. VII R2.4-II R2.4-III.	Jan. 4, 1973	do	July 12, 1973
J. M. Huber Corp., Langley plant.	Langley, S.C.	do	do	do	Do.
National Kaoline Products Co.	Aiken, S.C.	do	Jan. 2, 1973	do	Do.
Patterson Vermiculite Co.	Enoree, S.C.	do	do	do	Do.
U.S. Plywood, Catawba Manufacturing division.	Catawba, S.C.	R2.6, Std. No. 5, Sec. VII R2.4.	Feb. 15, 1973	do	Mar. 1, 1974

[FR Doc.75-1929 Filed 1-22-75;8:45 am]

[FRL 277-6]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

West Virginia: Approval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51, require each State to submit a plan which provides for attainment, maintenance, and enforcement of the national ambient air quality standards throughout the State. Each plan is to contain legally enforceable compliance schedules setting forth the dates by which all stationary and mobile sources must be in compliance with any applicable requirement of the plan.

On May 31, 1972 (37 FR 10899), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved West Virginia's State Implementation Plan.

A total of one hundred and three (103) compliance schedules have been submitted by the State of West Virginia for the Environmental Protection Agency's approval. Of these, twenty-six (26) were approved in the FEDERAL REGISTER on September 9, 1974 (39 FR 32559), and twenty-one (21) were proposed in the FEDERAL REGISTER on July 24, 1974 (39 FR 26916) and August 12, 1974 (39 FR 28906). The remaining fifty-six (56) schedules submitted by the State have not been proposed for approval either because the Environmental Protection Agency is still negotiating with the State and the source to correct deficiencies appearing in the schedules, the source is involved in a proceeding under section 110(f) of the Clean Air Act, or the final compliance date for the particular source has elapsed.

The Administrator received comments from the West Virginia Air Pollution Control Commission, Monsanto Chemicals Company, PPG Industries, Inc., and FMC Corporation pointing out errors in the table of schedules published in the July 24, 1974, and August 12, 1974 FEDERAL REGISTER. The table of schedules appearing in this publication has been corrected in accordance with these comments.

The Administrator will take no action with regard to the schedule for the E.I. duPont de Nemours and Company, Incorporated, because its final compliance date has elapsed. Furthermore, the Administrator will take no action with regard to the schedules for the Wheeling-Pittsburgh Steel Corporation because the State and the source have indicated that an amended schedule is currently being negotiated.

Each revision and schedule establishes a date by which an individual air pollution source must attain compliance with an emission limitation specified by the State Implementation Plan. This date is indicated in the table below under the heading "Final compliance date." In most cases, the schedules include incremental steps toward compliance with interim dates for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. All the compliance schedules listed here are available for public inspection at the following locations:

Environmental Protection Agency
Region III
Curtis Building
Sixth and Walnut Streets
Philadelphia, Pennsylvania 19106

West Virginia Air Pollution Control Commission
1558 Washington Street, East
Charleston, West Virginia 25311

Freedom of Information Center
Environmental Protection Agency
401 M Street SW.
Washington, D.C. 20460

In addition, evaluation reports for each schedule are available for public inspection at the Environmental Protection Agency, Region III.

Each revision and compliance schedule listed below has been adopted by the West Virginia Air Pollution Control Commission and submitted to the Environmental Protection Agency after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51. In addition, the substantive and procedural requirements of 40 CFR 51.6 and 51.15 have been satisfied. Accordingly, pursuant to 40 CFR 51.8, the Administrator approves the compliance schedules listed below.

These compliance schedules will become part of the State Implementation Plan thirty days after the date of this publication in the FEDERAL REGISTER.

(42 U.S.C. 1857c-5)

Dated: January 15, 1975.

JOHN QUARLES,
Acting Administrator.

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

Subpart XX—West Virginia

Section 52.2524(c) is amended by adding the following schedules:

§ 52.2524 Compliance schedules.

* * * * *

(c) * * *

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Allied Chemical Co	Moundsville	X	Oct. 26, 1972	Immediately	June 1, 1975
American Cyanamid	Willow Island	X	Dec. 7, 1972	do	Feb. 1, 1975
FMC Corp.	South Charleston	X [1]	July 5, 1973	do	June 30, 1975
Monsanto Corp.	Nitro	X [1]	do	do	Do.
PPG Industries, Inc.	Natrium	X [1]	Dec. 14, 1972	do	July 1, 1975
Do	do	X	Dec. 7, 1972	do	Do.
Weirton Steel Division National Steel Corp.	Weirton	X	Oct. 26, 1972	do	Dec. 31, 1974
Do	do	X [1]	Dec. 7, 1972	do	April 15, 1975
Union Carbide Corp.	Sistersville	X	Dec. 14, 1972	do	Dec. 30, 1974
R.B.S., Inc., Greystone Quarry	White Sulphur Springs.	VII	Jan. 11, 1974	do	Dec. 31, 1974
Savannah Lane Quarry Division of Kathy's Farm, Inc.	Frankford	VII	do	do	Do.
State of West Virginia Ind. Conservation Committee.	Charleston	VII	do	do	June 30, 1975
Westinghouse Electric Corp., Fluorescent and Lamp division.	Fairmont	VII	April 19, 1974	do	June 1, 1975
Acme Limestone Co.	Fort Spring	VII	do	do	June 30, 1975
Brown's Limestone	Salem	VII	do	do	Nov. 30, 1974
Corning Glass Works, Parkersburg plant.	Parkersburg	VII	do	do	Dec. 31, 1974
Corning Glass Works, Martinsburg	Martinsburg	VII	do	do	July 1, 1975
Pocahonta Construction Co	Marlinton	VII	Jan. 11, 1974	do	June 30, 1975

[1] Process.

[FR Doc.75-1930 Filed 1-22-75;8:45 am]

[FRL 311-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Tennessee: Approval of Compliance Schedules

On September 3, 1974 (39 FR 31918), the Administrator proposed the approval of a number of individual compliance schedules submitted by the State of Tennessee pursuant to the requirements of 40 CFR 51.6 and 51.15 pertaining respectively to plan revisions and compliance schedules. These schedules had been adopted by the Tennessee Air Pollution Control Board after notice and public hearing before being submitted for the Agency's approval on October 16 and December 26, 1973, and on February 20, 1974. Each establishes a date by which an individual air pollution source must attain compliance with the emission limitations of the State implementation plan. This date is indicated in the succeeding table under the heading "Final Compliance Date." In many cases the schedules include incremental steps toward compliance, with specific dates set for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. The entry "Immediately" under the heading "Effective Date" means that the schedule becomes enforceable by the Federal government immediately upon its approval by the Administrator.

Copies of the proposed schedules were made available for public inspection at the Agency's Region IV office in Atlanta, Georgia and at the office of the Tennessee Division of Air Pollution Control in Nashville. Written comments were solicited from the public, and one response was received, pointing out a typographical error. The State offered a number of minor corrections to be made also. The listing given below has been corrected accordingly. In addition, the schedule for Penn Dixie Cement Corporation in Richard City has been deleted at the State's request since a new schedule has been negotiated.

An evaluation of the remaining schedules may be obtained by consulting personnel of the Agency's Region IV Air Programs Office, 1421 Peachtree Street, N.E., Atlanta, Georgia. Copies of the schedules, together with the Tennessee plan, are available for public inspection at the Atlanta office and also at the Division of Stationary Source Enforcement, 401 M Street, SW., Washington, D.C. 20460 and at the office of the Tennessee Division of Air Pollution Control.

The Administrator has determined that al lthe schedules given here satisfy the requirements of 40 CFR Part 51 pertaining to compliance schedules and plan revisions, and that their approval will not hinder the attainment and maintenance of the national ambient air quality standards.

This action is effective immediately. The Administrator finds that good cause exists for making his action immediately effective since these schedules are already in effect under Tennessee law, and the Agency's action imposes no additional regulatory burden on affected facilities.

(Section 110 of the Clean Air Act (41 U.S.C. 1857c-5))

Dated: January 15, 1975.

JOHN QUARLES,
Acting Administrator.

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

Subpart RR—Tennessee

1. Section 52.2220 is amended by inserting in proper chronological order in paragraph (c)(4) the dates October 16, December 26 (1973) and February 20 (1974).

2. Section 52.2223 is amended by adding new lines to the table of paragraph (e)(1) as follows:

§ 52.2223 Compliance Schedules.

* * * * *

(e)(1) * * *

Tennessee

Source	Location	State regulation involved	Date of adoption	Effective date	Final compliance date
Aluminum Co. of America, sources 22 and 23 (carbon anode baking).	Alcoa	Ch. V, sec. II.B.	Nov. 28, 1973	Immediately	July 9, 1974
Berkline Corp., plant No. 1, collector No. 6.	Morristown	Ch. V, sec. II.B; ch. VII, sec. II.	do	do	June 9, 1974
E. I. DuPont: 4 steam boilers, particulate emissions, SO_2 emissions.	New Johnsonville.	Ch. V, sec. II.B; ch. V, sec. II.A(2).	Feb. 6, 1974	do	June 30, 1975
Industrial Products Co., Inc.: Control equipment.	Mt. Pleasant	Ch. V, sec. II.B; ch. VII, sec. II.	Nov. 28, 1973	do	Jan. 1, 1974
Interstate Foundry & Maching Co.: Cupola.	Johnson City	Ch. V, sec. II.B; ch. VII, sec. IX.B.	do	do	Feb. 9, 1974
Laminite Plastics Corp.: Moldow system (phase I only).	Morristown	Ch. V, sec. II.B; ch. VII, sec. II.	do	do	Apr. 30, 1974
Lea Industries:					
Plant No. 4; process emissions	do	do	do	do	Jan. 1, 1974
Plant No. 5; process emissions	do	do	do	do	Aug. 9, 1974
Plant No. 6; process emissions	do	do	do	do	Do.
Plant No. 6, boiler	do	Ch. V	do	do	Feb. 1, 1974
Lewisburg Casting Co., Inc.: Cupola.	Lewisburg	do	do	do	June 9, 1974
A. B. Long Quarries, Inc.: Limestone quarry and crusher.	Harriman	Ch. V, sec. II.B; ch. VII, sec. II; ch. VIII.	do	do	Mar. 30, 1974
Monsanto Industrial Chemical Co.	Columbia	Ch. VII	Feb. 6, 1973	do	July 1, 1975
Plough, Inc.: Boiler	Shelbyville	Ch. V, sec. II.B; ch. VI, sec. II.A(2).	do	do	May 30, 1974
Powermatic-Houdaille, Inc.: Two No. 5 cupolas.	McMinnville	Ch. V, sec. II.B; ch. VII, sec. II.	do	do	Aug. 9, 1974
Royal Oak Charcoal Co.: Kilns 1, 2, 3, 4, 5.	Cookeville	do	do	do	Do.
Don P. Smith Chair Co.: Drying kiln.	Loudin	do	do	do	June 30, 1974
Temple Industries: Conical burner.	Savannah	Ch. V, sec. II.B; ch. VI, sec. II.D.	do	do	Apr. 30, 1974
Tennlite, Inc.: Two rotary kilns	Green Brier	Ch. V, sec. II.B; ch. VII, sec. II.	do	do	July 30, 1974
Tenn. Asphalt Co. & Road Builders, Inc.: Asphalt batching plant.	Cumberland City.	Ch. V, sec. II.B; ch. VII, secs. II and IX.G; ch. VIII.	do	do	Dec. 17, 1974
Vulcan Materials Co.: Rock quarry	Emory Gap	Ch. V, sec. II.B; ch. VII, sec. II; ch. VIII.	do	do	Mar. 31, 1974
Do	Savannah	Ch. V, sec. II.B; ch. VII, sec. II; ch. VIII.	do	do	June 21, 1974
Do	Parsons	do	do	do	Feb. 18, 1974
Cities Service (41-0073)	Copperhill	Ch. VII, sec. 8	June 19, 1973	do	July 1, 1975
Cities Service (42-0073)	do	do	do	do	Do.
Penn Dixie Cement	Kingsport	Ch. VII, sec. 2	Oct. 9, 1973	do	Do.

[FR Doc.75-2062 Filed 1-22-75;8:45 am]

[FRL 324-7]

SUBCHAPTER E—PESTICIDE PROGRAMS

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

Certain Inert Ingredients in Pesticide Formulations

In response to the notice published by the Environmental Protection Agency in the FEDERAL REGISTER of November 18, 1974 (39 FR 40512), proposing establishment of exemptions from tolerance requirements under provisions of section 408 of the Federal Food, Drug, and Cosmetic Act for 14 inert (or occasionally active) ingredients in pesticide formulations, no comments or requests for referral to an advisory committee were received.

It is concluded that:

1. The items "Ethylenediamine * * *", "Polyamide polymer * * *", and "Terephthalic acid * * *" in § 180.1001(e) should be combined into one item as listed below.

2. The proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e)), 68 Stat. 514; (21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.1001 is amended by (1) revising the item "α-Stearoyl-*omega*- * * *" in paragraphs (c) and (e), (2) revising the item "Ethylene glycol monomethyl ether" in paragraph (d), and (3) alphabetically inserting new items in paragraphs (c), (d), and (e), as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * *	*	*
Aluminum stearate		Surfactant.
* * *	*	*
F.D. & C. Blue No. 1	Not more than 0.2 percent of pesticide formulation.	Dye.
* * *	*	*
Methyl isobutyl ketone		Solvent.
* * *	*	*
Mineral oil (U.S.P.)		Diluent, solvent.
* * *	*	*
Pentaerythritol ester of maleic anhydride modified wood rosin.		Plasticizer.
* * *	*	*
Pentaerythritol ester of modified rosin.		Do.
* * *	*	*
Propylene oxide		Stabilizer.
* * *	*	*
Sodium sulfite		Stabilizer.
* * *	*	*
α-Stearoyl-*omega*-hydroxpoly (oxyethylene); the poly (oxyethylene) content averages either 8, 9, or 40 moles; if a blend of products is used, the average number of moles ethylene oxide reacted to produce any product that is a component of the blend shall be either 8, 9, or 40.		Surfactants, related adjuvants of surfactants.
* * *	*	*

(d) * * *

Inert ingredients	Limits	Uses
* * *	*	*
Ethylene glycol monomethyl ether.		Solvent.
* * *	*	*
Oat hulls		Solid diluent, carrier.
* * *	*	*
Polyamide polymer derived from sebacic acid, vegetable oil acids with or without dimerization, terephthalic acid and/or ethylenediamine.		Coating, carrier.
* * *	*	*

(e) * * *

Inert ingredients	Limits	Uses
* *	*	* *
α-Stearoyl-omega-hyroxypoly (oxyethylene); the poly (oxyethylene) content averages 8, 9, or 40 moles; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be 8, 9, or 40.	----------	Surfactants, related adjuvants of surfactants.
* *	*	* *

Any person who will be adversely affected by the foregoing order may at any time on or before February 24, 1975, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on January 23, 1975.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a (e)))

Dated: January 17, 1975.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-2063 Filed 1-22-75;8:45 am]

Title 6—Economic Stabilization

CHAPTER VI—ASSISTANT SECRETARY FOR ADMINISTRATION, DEPARTMENT OF THE TREASURY

ESTABLISHMENT OF PART

In order to complete the orderly termination of the Economic Stabilization Program and to insure its integrity, the Department of the Treasury finds it necessary to establish a new Part 602 in Title 6 of the Code of Federal Regulations. The new part contains no substantive regulations but adopts the Economic Stabilization Regulations, in 6 CFR Chapters I, V, and VI, in effect on December 31, 1974, with respect to prices charged, and wages paid for work performed, prior to May 1, 1974. The only other effect of the new Part 602, is to amend the addresses in Chapters I, V, and VI, to which reports, forms, requests and other documents are required to be submitted.

The Department further finds that notice and public procedure, regarding the establishment of Part 602, in Chapter VI of Title 6 of the Code of Federal Regulations, is impracticable, in view of the need to provide immediate continuing guidance to interested persons, and that accordingly, good cause exists for making these regulations effective with their publication. Interested persons may, however, submit comments, regarding this Part, on or before February 24, 1975. Such comments shall be addressed to the Assistant Secretary for Administration, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220, and they shall be available to the public, upon request therefor, unless confidential status for the submission has been requested and approved, 31 CFR 1.4(b), 36 FR 13835.

Therefore, in consideration of the aforegoing and by virtue of the authority vested in me by Treasury Department Order No. 233 (Revision, No. 1), 39 FR 45302, Title 6 of the Code of Federal Regulations is amended by retitling the heading of Chapter VI to read as set forth above, and by adding a new Part 602 thereto to read as follows:

PART 602—ADOPTION, AND CONTINUATION IN EFFECT, OF CHAPTERS I, V AND VI

Sec.
602.1 Scope.
602.2 Designated officials.
602.3 Addresses.
602.4 Forms.

AUTHORITY: Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11788 (38 FR 22113); Treasury Department Order No. 233 (Revision No. 1), (39 FR 45302, December 31, 1974).

§ 602.1 Scope.

(a) Except as otherwise provided in this part, the provisions of Chapters I, V and VI of this title, in effect on December 31, 1974, are adopted as the rules, policies, and regulations of the Department of the Treasury, and shall continue in effect on and after January 1, 1975.

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

§ 602.2 Designated officials.

All references in Chapters I, V and VI of this title to the Cost of Living Council, the Council, the Chairman or Director of the Council, the Construction Industry Stabilization Committee, any other official or agency exercising authority delegated by the Council, or the Office of Economic Stabilization or its Director shall for procedural purposes be deemed to refer to the Assistant Secretary for Administration. Thus, for example, reports previously required to be submitted to the Office of Economic Stabilization shall, on and after January 1, 1975, be submitted to the Assistant Secretary for Administration.

§ 602.3 Addresses.

(a) Except as otherwise provided in this section material previously submitted to the Office of Economic Stabilization, 2000 M Street, NW, Washington, D.C. 20508, shall be submitted to the Assistant Secretary for Administration, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, D.C. 20220.

(b) Material previously submitted to the Chief Counsel, Office of Economic Stabilization shall be submitted to the Assistant General Counsel (Administration, Legislation and Fiscal Operations), Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, D.C. 20220.

(c) Material previously submitted to the Associate Director for Wages, Office of Economic Stabilization, Department of the Treasury, at the post office box address specified in parts 152 and 153, of this Title, shall be submitted to the Assistant General Counsel (Administration, Legislation and Fiscal Operations), Department of the Treasury, at the address in paragraph (b) above.

§ 602.4 Forms.

Submissions on and after January 1, 1975, with respect to price or wage matters shall be made on forms prescribed by and pursuant to instructions issued by the Cost of Lving Council, as in effect on June 30, 1974.

Dated: January 16, 1975.

WARREN F. BRECHT,
Assistant Secretary for Administration.

[FR Doc.75-1947 Filed 1-22-75;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

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

Delegation of Authority to the Deputy Assistant Secretary for Marketing and Consumer Services

Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended to provide a delegation of authority to the Deputy Assistant Secretary for Marketing and Consumer Services, as follows:

A new § 2.49 is added to read as follows:

§ 2.49 Deputy Assistant Secretary for Marketing and Consumer Services.

(a) Delegations. Pursuant to § 2.17, subject to reservations in § 2.18, and subject to policy guidance and direction by the Assistant Secretary, the following delegation of authority is made by the Assistant Secretary for Marketing and Consumer Services to the Deputy Assistant Secretary for Marketing and Consumer Services, to be exercised only during the absence or unavailability of the Assistant Secretary:

(1) Perform all the duties and exercise all the powers which are now or which may hereafter be delegated to

the Assistant Secretary for Marketing and Consumer Services.

Effective date: January 23, 1975.

Dated: January 17, 1975.

RICHARD L. FELTNER,
Assistant Secretary for Marketing and Consumer Services.

[FR Doc.75-2172 Filed 1-22-75;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Appendix—Apportionment of Special Milk Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1975

Pursuant to section 3 of the Child Nutrition Act of 1966, as amended, milk assistance funds available for the fiscal year ending June 30, 1975, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$1,401,805	$1,335,257	$66,548
Alaska	24,496	24,496	----------
Arizona	332,656	332,656	----------
Arkansas	967,930	919,965	47,965
California	8,873,365	8,873,365	----------
Colorado	915,285	839,124	76,161
Connecticut	2,722,264	2,722,264	----------
Delaware	339,856	339,856	----------
Del. St. Dist. Agency	35,637	35,637	----------
District of Columbia	302,153	302,153	----------
Florida	1,044,271	1,044,271	----------
Georgia	1,962,931	1,906,357	56,574
Hawaii	65,542	35,060	30,482
Idaho	202,116	173,091	29,025
Illinois	10,124,445	10,124,445	----------
Indiana	3,377,229	3,377,229	----------
Iowa	1,871,711	1,871,711	----------
Kansas	1,501,516	1,501,516	----------
Kentucky	2,216,653	2,216,653	----------
Louisiana	472,810	472,810	----------
Maine	756,221	693,146	63,075
Maryland	2,846,734	2,846,734	----------
Md. Bnd. & Proc.	130,741	130,741	----------
Massachusetts	4,708,029	4,708,029	----------
Michigan	7,022,317	7,022,317	----------
Minnesota	3,114,071	3,114,071	----------
Mississippi	1,174,334	1,174,334	----------
Missouri	2,536,322	2,461,144	75,178
Montana	217,964	185,927	32,037
Nebraska	680,521	581,997	98,537
Nevada	130,120	95,582	34,538
New Hampshire	812,173	812,173	----------
New Jersey	6,045,775	6,045,775	----------
New Mexico	534,103	275,033	259,069
New York	8,613,500	8,613,500	----------
New York Off. Gen. Serv	303,047	303,047	----------
North Carolina	2,860,108	2,860,108	----------
North Dakota	384,398	345,243	39,155
Ohio	8,631,959	7,798,776	833,183
Ohio Dept. Pub. Wel	229,802	229,802	----------
Oklahoma	984,743	984,743	----------
Oregon	964,575	933,301	31,274
Pennsylvania	7,890,538	7,890,538	----------
Rhode Island	654,876	654,876	----------
South Carolina	1,126,684	1,009,348	117,335
South Dakota	574,019	574,019	----------
Tennessee	2,251,754	2,165,709	86,042
Texas	3,234,171	2,943,199	290,972
Utah	309,122	309,122	----------
Vermont	420,317	420,317	----------
Virginia	2,073,176	1,957,233	115,943
Washington	1,824,627	1,520,507	304,120
West Virginia	452,910	424,321	28,589
Wisconsin	4,539,582	3,777,736	761,846
Wyoming	130,300	130,300	----------
Total	117,978,300	114,500,664	3,477,636

Due to the late enactment of the fiscal year 1975 Appropriation Act, the provisions of § 215.4(a)(2) are being implemented with this apportionment.

(Secs. 2, 3, 6 and 8-16, 80 Stat. 855-890 (42 U.S.C. 1771, 1772, 1775, 1777-1785))

Dated: January 17, 1975.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.75-2036 Filed 1-22-75;8:45 am]

SUBCHAPTER A—SCHOOL LUNCH PROGRAM

PART 246—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

Corrections

In FR Doc. 74-30190 appearing at page 44728 in the issue for Friday, December 27, 1974, please make the following changes:

1. In Preamble, Number 4, change the word "funds," which appears in the fifth line, to "foods."

2. In § 246.2(p)(1)(iii) change "high rates or prematurity" to "high rates of prematurity."

3. In § 246.2(v) change the word "are" which appears in the fifth line, to "area."

4. In § 246.3(b) change the word "safeguards," which appears in the eleventh line, to "safeguards."

5. In § 246.3(b) change the word "capabiltiy," which appears in line fifteen, to "capability."

6. In § 246.4(b) change the word "condition," which is the last word in the third line, to "conditions."

7. In § 246.4(b)(2) on line five, the misplaced parenthesis should be around "(exclusive of clinic evaluation costs)."

8. In § 246.12(b) change the word "least," which appears in the second line, to "less."

9. In § 246.13(a)(1)(i) *Substitutes* change the phrase "vitamin A," appearing in the fourth line to "vitamin D."

10. In § 246.13(a)(2)(i) change the phrase "vitamin C," appearing in the second line, to "vitamin D."

11. In § 246.14(g) change the word "decisin," which appears in the fourth line, to "decision."

12. Section 246.16(a): the last sentence should read "The State agency shall have full opportunity to submit evidence, explanation, or information concerning alleged instances of noncompliance or diversion before a final determination is made in such cases."

Dated: January 17, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-2121 Filed 1-22-75;8:45 am]

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

[Navel Orange Reg. 336]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 24-30, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.636 Navel Orange Regulation 336.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is active.

Prices f.o.b. averaged $3.37 per carton on a reported sales volume of 991 carlots last week, compared with an average f.o.b. price of $3.41 per carton and sales of 928 carlots a week earlier. Track and rolling supplies at 364 cars were down 4 cars from last week.

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

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

insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 21, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 24, 1975, through January 30, 1975, are hereby fixed as follows:

(i) District 1: 1,161,000 cartons;

(ii) District 2: 162,000 cartons;

(iii) District 3: 27,000 cartons."

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

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

Dated: January 22, 1975.

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

[FR Doc.75-2298 Filed 1-22-75;11:47 am]

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 or Released

These amendments quarantine a portion of Childress County, a portion of Swisher County, and a portion of Hansford County in Texas 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.

The amendments release a portion of El Paso County in Texas from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded area, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded area.

Accordingly, Part 73, Title 9, Code of Federal Regulations, 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 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 85–6, secs. 3, 4, 21 and 22.

(2) That portion of Moore County comprised of secs. 321 and 322, Block 44, H & TC Railway Survey.

(3) That portion of Childress County comprised of secs. 616, 625, 627, 652, 653, and 654, Block H.

(4) That portion of Swisher County comprised of sec. 99, Block M–9.

(5) That portion of Hansford County comprised of sec. 313, Block 2, GH & H Railroad Survey.

* * * * *

(Sec. 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 amendments shall become effective January 20, 1975.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of cattle scabies, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as the amendments relieve restrictions, they are no longer deemed necessary to prevent the spread of cattle scabies and they should be made effective promptly in order to be of maximum benefit to affected persons. 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 amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of January, 1975.

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

[FR Doc.75-2170 Filed 1-22-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74–WE–56–AD; Amdt. 39–2075]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Models DC–8F–54, DC–8F–55, –61F, –62F, –63F Series Airplanes

There has been a malfunction of the main cargo door hydraulic control valve and mislocation of the main cargo door control valve shaft push-down plate on a DC–8F airplane that could result in the inadvertent opening of the main cargo door. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection, and corrective action, if necessary, to insure that the main cargo door hydraulic control valve shaft operates freely, and that the main cargo door hydraulic control valve shaft push down plate on the access door is installed and correctly located directly above the control valve shaft on McDonnell Douglas DC–8F–54, DC–8F–55, –61F, –62F, and –63F airplanes.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), section 39.13 of part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MCDONNELL DOUGLAS. Applies to DC–8F–54, DC–8F–55, –61F, –62F, –63F series airplanes, certificated in all categories, which incorporate the main cargo door hydraulic system components specified in items (1) and (2) in this A.D.

Compliance required within the next 300 hours time in service after the effective date of this A.D., unless already accomplished.

To prevent inadvertent opening of the main cargo door, accomplish the following:

(1) Verify that the main cargo door hydraulic control valve shaft push down plate, Douglas P/N 5777814–55 is installed in a position on the bottom of the main cargo door hydraulic control valve access door, Douglas P/N 5777814–33 such that, when the access door is closed and secured, the push-down plate is located directly above the main cargo door hydraulic control valve shaft, Douglas P/N 3777875–1. Reposition the plate if it is found to be mislocated and/or replace if the push-down plate is damaged. Install the plate if found to be missing.

(2) Verify that the main cargo door hydraulic control valve shaft operates freely, without binding, between the operate neutral and neutral lock positions. This shall be accomplished by opening the main cargo door hydraulic control valve access door; raising the "T" handle, Douglas P/N 4777888–1; and pulling the "T" handle vertically upward to its maximum travel (operate neutral position). When the vertical force on the "T" handle is relieved, the main cargo door hydraulic control valve shaft should return to the neutral lock (down) position

without binding. Replace the main cargo door hydraulic control valve, Douglas P/N 5777869–5001 or 5919985–5001, if valve shaft does not return freely to the neutral lock position.

(3) Alternate procedures or other modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region may be substituted for items (1) and (2) above.

(4) Airplanes may be flown to a service base for performance of maintenance required by this AD per FAR's 21.197 and 21.199.

This amendment becomes effective January 27, 1975.

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)).

Issued in Los Angeles, California on January 13, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-2065 Filed 1-22-75;8:45 am]

[Airworthiness Docket No. 74-WE-76-AD; Amdt. 39-2076]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Models DC–9–15F, –32F, and –33F Series Airplanes

There has been a malfunction of the main cargo door hydraulic control valve and mislocation of the main cargo door hydraulic control valve shaft push-down spacer (plate) on a DC–8F airplane having similar main cargo door hydraulic systems that could result in the inadvertent opening of the main cargo door. Since this condition is likely to exist or develop in other airplanes having the same hydraulic system design, an airworthiness directive is being issued to require inspection, and corrective action if necessary, to insure that the main cargo door hydraulic control valve shaft operates freely, and that the main cargo door hydaulic control valve shaft push-down spacer on the access door is correctly located directly above the main cargo door hydraulic control valve shaft on McDonnell Douglas DC–9–15F, –32F, and –33F series airplanes.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), section 39.13 of part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MCDONNELL DOUGLAS. Applies to DC–9–15F, –32F, and –33F series airplanes, certificated in all categories, which incorporate the main cargo door hydraulic system components listed in the tabulation in this A.D.

Compliance required within the next 300 hours time in service after the effective date of this A.D. unless already accomplished.

To prevent inadvertent opening of the main cargo door, accomplish the following:

Douglas part descriptions	*Douglas part numbers*
Main cargo door hydraulic control valve access door.	9922100–27.
Main cargo door hydraulic control valve shaft push down spacer (listed as "BLOCK") P/N.	9922100–55.
Main cargo door hydraulic control valve access door.	9957809–145.
Main cargo door hydraulic control valve shaft push down spacer.	"HAT section"—Integral part of access door.
Main cargo door hydraulic control valve access door. control valve shaft push	9957809–155.
Main cargo door hydraulic down spacer.	9957809–105.
Main cargo door hydraulic control valve.	5919985–5001.
Main cargo door hydraulic control valve shaft.	3777875–1.
Main cargo door hydraulic control valve "T" handle.	4777888–1.

(1) Verify that the main cargo door hydraulic control valve shaft push-down spacer (see tabulation), is installed in a position on the bottom of the main cargo door hydraulic control valve access door (see tabulation), such that when the access door is closed and secured, the push-down spacer is located directly above the main cargo door hydraulic control valve shaft Douglas P/N 3777875–1. Reposition the spacer if it is found to be mislocated and/or replace if the push-down spacer is damaged. Install the spacer if found to be missing.

(2) Verify that the main cargo door hydraulic control valve shaft operates freely, without binding, between the operate neutral and neutral lock positions. This shall be accomplished by opening the main cargo door hydraulic control valve access door; raising the "T" handle Douglas P/N 4777888–1, and pulling the "T" handle vertically upward to its maximum travel (operate neutral position). When the vertical force on the "T" handle is relieved, the main cargo door hydraulic control valve shaft should return to the neutral lock (down) position without binding. Replace the main cargo door hydraulic control valve Douglas P/N 5919985–5001, if valve shaft does not return freely to the neutral lock position.

(3) Alternate procedures or other modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region may be substituted for items (1) and (2) above.

(4) Airplanes may be flown to a service base for performance of maintenance required by this AD, per FAR's 21.197 and 21.199.

This amendment becomes effective January 27, 1975.

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)).

Issued in Los Angeles, California on January 13, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-2066 Filed 1-22-75;8:45 am]

[Airspace Docket No. 74-EA-78]

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

Designation of Transition Area

On page 42376 of the FEDERAL REGISTER for December 5, 1974, the Federal Aviation Administration published a proposed rule which would alter the Hudson, N.Y., Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 g.m.t. March 13, 1975.

Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; (49 U.S.C. 1348)], and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on January 13, 1975.

JAMES BISPO,
Acting Director,
Eastern Region.

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by adding the following 700-foot floor transition area:

HUDSON, NEW YORK

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 42°17'35" N., long. 73°42'38" W. of Columbia County Airport, Hudson, N.Y.; within a 17-mile radius of the center of the airport extending clockwise from a 025° bearing to a 180° bearing from the airport; within 3.5 miles each side of a 191° bearing from the Philmont, N.Y. radio beacon (lat. 42°15'08" N., long. 73°43'24" W.) extending from the 8-mile radius area to 11.5 miles south of the RBN.

[FR Doc.75-2067 Filed 1-22-75;8:45 am]

[Airspace Docket No. 74-EA-77]

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

Alteration of Control Zone and Transition Area

On page 42376 of the FEDERAL REGISTER for December 5, 1974, the Federal Aviation Administration published a proposed rule which would alter the Danville, Va. Control Zone (39 FR 374) and Transition Area (39 FR 478).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 GMT March 27, 1975.

Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; (49 U.S.C. 1348)], and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on January 13, 1975.

JAMES BISPO,
Acting Director,
Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the description of the Danville, Va. Control Zone by adding, "; within 1.5 miles each side of a 017° bearing from a point 36°34'48" N., 79°20'08" W., ex-

tending from said point to 5 miles north." following "southwest of the VOR".

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the description of the Danville, Va. Transition Area by adding the following, "; within 2.5 miles each side of a 017° bearing from a point 36°34'48" N., 79°20'08" W., extending form the 8-mile radius area to 11.5 miles north of said point."

[FR Doc.75-2068 Filed 1-22-75;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 14290; Amdt. 95-256]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of the Federal Aviation Regulations is amended, effective February 27, 1975, as follows:

By amending Subpart C as follows:

Section 95.48 *Green Federal Airway 8*, is amended to read in part:

From, to, and MEA

Mordi INT, Alaska; *Cold Bay, Alaska, LOM; 6,000. *5,300—MCA Cold Bay LOM, Southwest-bound. (8,000 MEA required without HF airborne communication equipment).

Cold Bay, Alaska, LOM; Depth INT, Alaska; 4,500.

Depth INT, Alaska; Crack INT, Alaska; 3,000. (5,000—MEA required without HF airborne communication equipment).

Crack INT, Alaska; King Salmon, Alaska, LOM; 3,000. (9,000 MEA required without HF airbornes communication equipment).

King Salmon, Alaska, LOM; Big Mountain, Alaska, LF/RBN; 4,500.

Section 95.627 *Blue Federal Airway 27*, is amended to read:

Woody Island, Alaska, LF/RBN; King Salmon, Alaska, LOM; 10,000.

King Salmon, Alaska, LOM; Oscarville, Alaska, LF/RBN; 7,500.

Oscarville, Alaska, LF/RBN; Ft. Davis, Alaska, LF/RBN; 4,000.

Ft. Davis, Alaska, LF/RBN; Kotzbue, Alaska, LF/RBN; 6,000.

Section 95.1001 *Direct routes—U.S.*, is amended to delete:

*Richfield INT, Idaho; Burley, Idaho, VOR; 7,000. *9,500—MCA Richfield INT, westbound.

Section 95.1001 *Direct routes—U.S.*, is amended by adding:

Mormon Mesa, Nev., VORTAC; Wilson Creek, Nev., VORTAC; 18,000.

Wilson Creek, Nev., VORTAC; Elko, Nev., VORTAC; 20,000.

Elko, Nev., VORTAC; Boise, Idaho, VORTAC; 18,000.

Section 95.1001 *Direct routes—U.S.*, is amended to read in part:

Okmulgee, Okla., VOR via OKM 027 M rad/TUL 152 M rad; Tulsa, Okla., VOR; 3,500.

Section 95.000 *High altitude RNAV routes:*

From/To, total distance changeover point, distance from geographic location, track angle, MEA and MAA

J808R is amended to read in part:

Sardi, N.Y., W/P; 42; 075/255 to COP; 18,000; 45,000.

Patty, N.Y., W/P; 078/258 to Patty.

J809R is amended to read in part:

Sardi, N.Y., W/P; 42; 075/255 to COP; 18,000; 45,000.

Patty, N.Y., W/P; 078/258 to Patty.

Section 95.5500 *High altitude RNAV routes:*

J993R is amended to read in part:

Surfy, N.C., W/P; 103; 20; Surfy; 191/011 to COP; 24,000; 45,000.

Azana, S.C., W/P; 188/008 to Azana.

Azana, S.C., W/P; 119; 104; Azana; 189/009 to COP; 24,000; 45,000.

Gauge, Fla., W/P; 186/006 to Gauge.

Gauge, Fla., W/P; 26; 20,000; 45,000.

Sails, Fla., W/P; 187/007 to Sails.

J995R is amended to read in part:

Azana, S.C., W/P; 103; 83; Azana; 008/188 to COP; 24,000; 45,000.

Surfy, N.C., W/P; 011/191 to Surfy.

Section 95.6063 *VOR Federal Airway 63* is amended to read in part:

From, to and MEA

Stevens Point, Wis., VOR; Wausau, Wis., VOR; *3,000. *2,500—MOCA.

Rhinelander, Wis., VOR; Houghton, Mich., VOR; 3,500.

Section 95.6101 *VOR Federal airway 101* is amended to delete:

Burley, Idaho, VOR; *Kinzie INT, Idaho; **8,000. *11,200—MCA Kinzie INT, northwest-bound. **7,000—MOCA.

Kinzie INT, Idaho; Soldier INT, Idaho; northwest-bound, 12,500; southeast-bound, 8,000.

Section 95.6101 *VOR Federal airway 101* is amended by adding:

Burley, Idaho, VOR; *Richfield INT, Idaho; 7,000. *9,500—MCA Richfield INT, westbound.

Section 95.6123 *VOR Federal airway 123* is amended to read in part:

Swan Point INT, Md.; Int. 072 M rad Wash, D.C., VOR and 240 M rad Woodstown VOR; *7,0000. MAA—23,000. *1,600—MOCA. Int. 072 M rad Wash, D.C., VOR and 240 M rad Woodstown VOR; Woodstown, N.J., VOR; 2,000. MAA—23,000.

Section 95.6101 *VOR Federal airway 156* is amended to read in part:

Mercyville INT, Ind; Knox, Ind., VOR; *3,000: *2,300—MOCA.

Section 95.6162 *VOR Federal airway 162* is amended to read in part:

Lucketts INT, Va.; Scoby INT, Md.; 5,000. Scoby INT, Md.; Big Flat INT, Pa.; 4,000.

Section 95.6233 *VOR Federal airway 233* is amended to read in part:

Roberts, Ill., VOR; Knox, Ind., VOR; *3,000. *2,300—MOCA.

Section 95.6311 *VOR Federal airway 311* is amended to read in part:

Anderson, S.C., VOR; Greenwood, S.C., VOR; 2,500.

Section 95.6316 *VOR Federal airway 316* is amended to read in part:

Herman INT, Mich.; Marquette, Mich, VOR; *3,600. *3,100—MOCA.

Section 95.6438 *VOR Federal airway 438* is amended to read:

Homer, Alaska, VOR; Skila INT, Alaska; *5,000. *4,900—MOCA.

Skila INT, Alaska; Naptowne INT, Alaska; 2,500.

Section 95.6452 *VOR Federal airway 452* is amended to read in part:

Tulelake DME Fix, Calif.; Halle INT, Calif.; *14,000. *10,100—MOCA.

Halle INT, Calif.; Reno, Nev., VOR; 10,000.

Section 95.6508 *VOR Federal airway 508* is amended to read:

Middleton Island, Alaska, VOR; *Seward INT, Alaska; **9,000. *9,500—MRA. **8,200—MOCA.

Seward INT, Alaska; *Skila INT, Alaska; **9,000. *5,800—MCA Skila INT, eastbound. **7,500—MOCA.

Skila INT, Alaska; Kenai, Alaska, VOR; *1,900. *1,500—MOCA.

(Sections 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C. on January 16, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.75-2071 Filed 1-22-75;8:45 am]

[Docket No. 14238; Amdt. No. 951]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impractcable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective February 27, 1975.

Boise, Idaho—Boise Air Terminal, VOR/DME Rwys 10L & R, Orig.
Boise, Idaho—Boise Air Terminal VOR Rwys 10L & R, Amdt. 15.
Boise, Idaho—Boise Air Terminal, VORTAC Rwy 28L, Amdt. 4.
Cheyenne, Wyo.—Cheyenne Municipal Arpt., VOR-A, Amdt. 4.
Cold Bay, Alaska—Cold Bay Arpt., VOR Rwy 14, Amdt. 8.
Detroit Lakes, Minn.—Detroit Lakes Arpt., VOR Rwy 13, Amdt. 2.
King Salmon, Alaska—King Salmon Arpt., VOR Rwy 11, Amdt. 9.
King Salmon, Alaska—King Salmon Arpt., VORTAC Rwy 29, Amdt. 6.
Monroe City, Mo.—Monroe City Arpt., VORTAC-A, Orig.
New Orleans, La.—Lakefront Arpt., VOR-A, Amdt. 12.
New Orleans, La.—Lakefront Arpt., VOR-C, Amdt. 1, cancelled.
Prescott, Ariz.—Prescott Municipal Arpt., VOR Rwy 11, Amdt. 1.
Springfield, Mo.—Air Park South Arpt., VOR Rwy 17, Orig.
Valdosta, Ga.—Valdosta Municipal Arpt., VOR Rwy 35, Amdt. 21.
West Bend, Wisc.—West Bend Municipal Arpt., VOR Rwy 31, Amdt. 3.
Winder, Ga.—Winder Arpt., VOR/DME-A, Amdt. 4.

* * * effective January 16, 1975:

Chicago, Ill.—Chicago O'Hare Int'l. Arpt., VOR Rwy 22R, Amdt. 2.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective February 27, 1975.

Valdosta, Ga.—Valdosta Municipal Arpt., LOC Rwy 35, Amdt. 1.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective February 27, 1975.

Augusta, Ga.—Bush Field, NDB Rwy 35, Amdt. 21.
Boise, Idaho—Boise Air Terminal, NDB Rwys 10L & R, Amdt. 22.
Breckenridge, Tex.—Stephens County Arpt., NDB Rwy 17, Amdt. 1.
Charleston, S.C.—Johns Island Arpt., NDB Rwy 9, Orig.
Cheyenne, Wyo.—Cheyenne Municipal Arpt., NDB Rwy 26, Amdt. 8.
Cold Bay, Alaska—Cold Bay Arpt., NDB-A, Orig., cancelled.
Cold Bay, Alaska—Cold Bay Arpt., NDB Rwy 14, Amdt. 7.
Covington, Ky.—Greater Cincinnati Arpt., NDB Rwy 18, Amdt. 10.
Glendive, Mont.—Dawson Community Arpt., NDB Rwy 12, Amdt. 2.
King Salmon, Alaska—King Salmon Arpt., NDB-A, Orig., cancelled.
King Salmon, Alaska—King Salmon Arpt., NDB Rwy 11, Orig.
Sedalia, Mo.—Sedalia Memorial Arpt., NDB Rwy 18, Orig.
Sedalia, Mo.—Sedalia Memorial Arpt., NDB Rwy 23, Amdt. 2, cancelled.
Summit, Alaska—Summit Arpt., NDB-A, Amdt. 7.

* * * effective February 13, 1975:

Monticello, Ind.—White County Arpt., NDB Rwy 36, Orig.
Rensselaer, Ind.—Jasper County Arpt., NDB Rwy 18, Orig.

* * * effective January 23, 1975:

Wilmington, Vt.—Mt. Snow Arpt., NDB Rwy 1, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective February 27, 1975.

Augusta, Ga.—Bush Field, ILS Rwy 35, Amdt. 20.
Boise, Idaho—Boise Air Terminal, ILS Rwy 10L, Amdt. 24.
Cheyenne, Wyo.—Cheyenne Municipal Arpt., ILS Rwy 26, Amdt. 27.
Cold Bay, Alaska—Cold Bay Arpt., ILS Rwy 14, Amdt. 10.
Covington, Ky.—Greater Cincinnati Arpt., ILS Rwy 18, Amdt. 10.
King Salmon, Alaska—King Salmon Arpt., ILS Rwy 11, Amdt. 12.

* * * effective January 30, 1975:

Baltimore, Md.—Baltimore-Washington Int'l. Arpt., ILS Rwy 10, Amdt. 5.
Reidsville, Ga.—Reidsville Arpt., NDB Rwy 11, Orig.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective February 27, 1975.

Baton Rouge, La.—Ryan Arpt., RADAR-1, Amdt. 1.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective February 27, 1975.

Soldotna, Alaska—Soldotna Arpt., RNAV Rwy 7, Orig.
Soldotna, Alaska—Soldotna Arpt., RNAV Rwy 25, Orig.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; (49 U.S.C. 1438, 1354, 1421, 1510) Sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on January 9, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

[FR Doc.75-2072 Filed 1-22-75;8:45 am]

[Docket No. 14233; Amdt. No. 950]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending or canceling the following VOR-VOR/DME SIAPs, effective February 20, 1975.

Belzoni, Miss.—Belzoni Municipal Arpt., VOR Rwy 21, Amdt. 3.
Brewton, Ala.—Brewton Municipal Arpt., VOR Rwy 30, Amdt. 2.
DeLand, Fla.—DeLanld Municipal/Sidney H. Taylor Field Arpt., VOR-A, Amdt. 1.
Franklin, Pa.—Chess-Lamberton Arpt., VOR Rwy 2, Orig.
Greenwood, S.C.—Greenwood County Arpt., VOR Rwy 9, Amdt. 9.
Greenwood, S.C.—Greenwood County Arpt., VOR Rwy 27, Amdt. 8.
Rockwood, Tenn. — Rockwood Municipal Arpt., VOR/DME Rwy 22, Amdt. 1.

* * * effective January 23, 1975:

Muskogee, Okla.—Davis Field, VOR Rwy 31, Orig.

* * * effective January 16, 1975:

Bastrop, La.—Morehouse Memorial Arpt., VOR/DME-A, Amdt. 2.
Monroe, La.—Monroe Municipal Arpt., VOR Rwy 4, Amdt. 14.
Monroe, La.—Monroe Municipal Arpt., VOR-TAC Rwy 22, Amdt. 5.
Ruston, La.—Ruston Municipal Arpt., VOR/DME-A, Amdt. 5.

2. Section 97.25 is amended by originating, amending or canceling the following SDF-LOC-LDA SIAPs, effective February 20, 1975.

DeLand, Fla.—DeLand Municipal/Sidney H. Taylor Field Arpt., NDB Rwy 23, Amdt. 1.

* * * effective January 16, 1975:

Chicago, Ill.—Chicago O'Hare Int'l. Arpt., LOC(BC) Rwy 22R, Amdt. 8, cancelled.
Monroe, La.—Monroe Municipal Arpt., LOC/DME(BC) Rwy 22, Amdt. 2.

3. Section 97.27 is amended by originating, amending or canceling the following NDB/ADF SIAPs, effective February 20, 1975.

Athens, Tenn.—McMinn County Arpt., NDB Rwy 2, Amdt. 2.
Athens, Tenn.—McMinn County Arpt., NDB Rwy 20, Amdt. 1.
Gainesville, Ga.—Lee Gilmer Memorial Arpt., NDB Rwy 4, Amdt. 2.

* * * effective January 23, 1975:

Muskogee, Okla.—Davis Field, NDB Rwy 31, Amdt. 6.

. . . effective January 16, 1975:

Monroe, La.—Monroe Municipal Arpt., NDB Rwy 4, Amdt. 9.

4. Section 97.29 as amended by originating, amending or canceling the following ILS SIAPs, effective January 16, 1975.

Chicago, Ill.—Chicago O'Hare Int'l. Arpt., ILS Rwy 22R, Orig.
Monroe, La.—Monroe Municipal Arpt., ILS Rwy 4, Amdt. 12.

* * * effective December 26, 1974:

New York, N.Y.—John F. Kennedy Int'l. Arpt., ILS Rwy 4R, Amdt. 20.

5. Section 97.31 is amended by originating, amending or canceling the following RADAR SIAPs, effective December 27, 1974.

Augusta, Ga.—Bush Field, RADAR-1, Amdt. 1.

CORRECTION

In Docket Nr. 14220, Amendment 948, to Part 97 of the Federal Aviation Regulations, published in the Federal Register dated December 27, 1974, on page 44743, under sections 97.23, 97.27, 97.29, and 97.31, effective January 16, 1975—Change effective date of Memphis, Tenn.—Memphis Int'l. Arpt., VOR Rwy 35R, Orig.; NDB Rwy 35R, Orig.; ILS Rwy 17L, Orig.; ILS Rwy 35R, Orig.; and RADAR-1, Amdt. 28, to January 30, 1975.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; (49 U.S.C. 1438, 1354, 1421, 1510), Sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)))

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

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

[FR Doc.75-2073 Filed 1-22-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-896; Amdt. 36]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 17, 1975.

On July 25, 1974, by notice of proposed rule making, Docket 26899, EDR-278 (39 FR 27694), the Board proposed to amend Part 288 of its economic regulations (14 CFR Part 288) by adopting increased minimum rates for Category B international planeload charter services performed by air carriers for the Department of Defense (DOD) to be effective prospectively from the date adopted. In addition, the Board proposed to eliminate the rates for piston and CL-44 aircraft, and to increase the rates for other turboprop aircraft; to establish a conversion charge for the mixed Coral Sea operation; to increase the seat conversion charge, and to provide a minimum advance notification time if conversion rates are to apply; to revise the provisions for computing pay miles for trans-Pacific routings; and to eliminate the monthly review of commercial fuel prices and retroactive rate adjustments to reflect price changes. The notice also indicated that in view of an on-going re-examination of the economic bases for Category A and Z services, revised rates for these services would be considered in a separate rule making. The Board did state, however, that in the event the Category A and Z proposals were not finalized prior to completion of the present full-scale review, it intended to adjust the A and Z rates to the level of the Category B one-way charter rates adopted herein.

Comments in response to the notice were filed by six individual carriers,[1] by nine carriers jointly,[2] and by the DOD. Reply comments were filed by the joint carriers, the DOD, and Trans World Airlines, Inc. Upon consideration, we have determined to adopt the proposed amendments as revised below. All comments and supporting material have been carefully considered, and all contentions not otherwise disposed of herein are rejected.

The rates proposed in the notice were predicated on carrier and DOD forecasts and submissions, screened and adjusted in the light of (1) cost data furnished by the carriers for the fiscal year ended June 30, 1973, which was used as the base period, (2) other reported data, and (3) those price or wage increases actually experienced subsequent to the base period or to be experienced during fiscal year 1974, as evidenced by existing contracts or similar documentation. In accordance with established practice, the Board refused to recognize in its proposed rate any anticipatory cost increases or any price or wage increases which were not adequately supported. We have adhered to that policy in establishing the final minimum rates for MAC services adopted herein. However, where adequate justification has been provided for cost increases during fiscal year 1975, these cost increases are reflected in the final rates.

For final rate purposes, the Board has reviewed the carrier and DOD comments, and adjusted the costs computed in the notice where supporting detail was furnished concerning increases in salaries and wages, and other items of expense since the issuance of the notice. Adequate documentation of such increases was provided by four carriers, and the adjustments to their costs are shown in the attached appendices. With these and other changes discussed below or in the appendices, the rates we are establishing herein will provide an increase of approximately 13.55 percent above the current yield from MAC services for FY 1975.[3]

As proposed, we have eliminated the rates for piston and CL-44 aircraft and increased the rates for other turboprop aircraft performing short-range services. We have also established a conversion

[1] Northwest Airlines, Inc., Pan American World Airways, Inc., The Flying Tiger Line Inc., Trans International Airlines, Inc., Trans World Airlines, Inc., and World Airways, Inc.

[2] Airlift International, Inc., Capitol International Airways, Inc., The Flying Tiger Line Inc., Overseas National Airways, Inc., Pan American World Airways, Inc., Saturn Airways, Inc., Seaboard World Airlines, Inc., Trans International Airlines, Inc., and World Airways, Inc. (referred to herein as the joint carriers).

[3] As compared to the rates established in ER-879 including the fuel surcharges provided by ER-881. See Appendix N. (Appendices A-R filed as part of the original document.)

charge of $207 per pallet for the mixed Coral Sea operation. As discussed below, we have changed the proposed minimum notification time by MAC if conversion rates are to apply from that set forth in the notice. The proposed changes in the routing provisions for computing the pay miles in Category B services have been revised from those proposed. We have adjusted the rates herein to reflect commercial fuel prices as of October 1, 1974. In addition, we have eliminated the automatic fuel adjustment clause for fuel purchased from DOD and have included fuel purchased from both the Air Force and the Navy at the October 1, 1974 prices [4] charged by the Defense Supply Agency. We have also amended § 288.8 of the economic regulations-minimum aircraft loads—to provide for 16 pallets instead of 12 on the stretched DC-8-61-63 jets. With these general comments, we turn now to consideration of the rates adopted and the principal issues raised in the comments.

[4] The price per gallon for fuel purchased at military bases on this date was 35.4¢ for JP4 type and 34.0¢ for JP5.

CATEGORY B MINIMUM RATES FOR LARGE TURBOJET AIRCRAFT

The existing minimum rates for Category B charters, those proposed in the notice, and the revised minimum fair and reasonable rates adopted herein for large turbojet aircraft are set forth below. Also shown, are the percentage differences between the current rates and the rates adopted.

	Current [1]	Proposed	Adopted	Percent Increase (decrease) from Current
Passengers (cents per passenger-mile)				
Round-trip	2.462	2.460	2.848	15.68
One-way	4.632	4.546	5.149	10.51
Cargo (cents per ton-mile)				
Round-trip	9.714	9.117	10.966	12.89
One-way	18.727	14.032	[2] 16.504	(11.87)

[1] Effective Oct. 29, 1974, ER-879 and reflects the fuel surcharge of 6.00 percent adopted by ER-804, Dec. 31, 1974.
[2] This decrease is primarily due to the heavier impact for increased commercial backhauls.

Rate of return. The proposed rates were based upon a return on recognized investment of 10.5 percent. The joint carriers, supported by Trans World Airlines in its reply comment, argue for an increase in the rate of return to 12 percent. They contend that continuing the return on investment for MAC services 1.5 percentage points below that found reasonable for domestic scheduled services is no longer justifiable. They urge a re-examination of this policy, and attempt to refute each of the arguments given in explanation of the present differential in ER-733, May 11, 1972. In general, the carriers' position is that whereas the Board has sought to justify the differential primarily on the basis of a greater stability for MAC than commercial services, the risks for MAC services are actually greater, and that MAC operations are subject to larger volume fluctuations than scheduled services. Thus, the carriers argue that while commercial rates subject to tariffs can be increased as need arises, MAC rates normally remain in effect unchanged for extended periods, and that this creates a substantial risk during a period of rapid inflation such as we are currently experiencing. The carriers argue further that although MAC services involve guaranteed contracts for the "fixed buy" portion of the military's transportation needs, this fact overstates the stability of the operation vis-a-vis domestic scheduled services. While the carriers concede that the planeload charter aspect of the Category B service eliminates the risk of fluctuating load factors, which is inherent in scheduled operations, they argue that this factor is already fully provided for in the lower rate level applicable to Category B services. Finally, the carriers contend that it is no answer to argue that participation in the MAC procurement is voluntary and that no carrier is obligated to participate if it considers the risk too great, since the entire program is designed to serve important national defense objectives.

Rates of return are established and used for rate-making purposes to provide efficient carriers an opportunity to earn profits which approximate their cost of capital over reasonable periods of time and thus enable them to attract the investment necessary to perform required services. Notwithstanding the arguments put forth by the carriers, we continue to believe that MAC contract operations entail a lesser risk than is found in commercial services and that the cost of attracting capital for such operations is therefore less.

To begin with, there are substantial long-term commitments involved in the fixed-buy portion of the MAC contracts which are not present in scheduled services, and which reduce the uncertainties inherent in the MAC program vis-a-vis scheduled services. Secondly, the planeload charter aspect of the Category B service eliminates for the MAC carriers the load-factor risks inherent in scheduled services, and contrary to the joint carriers' assertions, this factor is not fully reflected in the lower rate for MAC services. The lower rate merely reflects the lower costs associated with planeload operations, and in no way is intended to reflect elimination of the load-factor risks. Furthermore, the return differential reflects the fact that MAC operations are essentially noncompetitive with the business divided among the participating carriers on the basis of objective criteria by the DOD. Thus, all of the vicissitudes of operating in the competitive marketplace are absent. Finally, we note that participation in the MAC program is not required, and there is no basis upon which we could conclude that the minimum rates adopted herein, based as they are on a return on recognized investment of 10.5 percent, will result in a reduction in the number of carriers participating in the program to an unacceptable level. Although it is true that over the past several years a number of carriers have terminated their participation in the MAC procurement, there is no reason to believe that this is the result of an inadequate return from the MAC services as opposed to simply a reflection of the decreased volume of MAC business. Of course, we do not deny that there are risks in performing MAC contract services. However, we continue to believe that the present return of 10.5 percent adequately compensates the carriers for these factors.[5]

Fuel costs. The rates proposed in the notice were based upon commercial fuel prices as of February 1, 1974, and military fuel prices at the base level fixed in the price adjustment clause adopted August 28, 1973, by ER-819. The notice indicated that the rates finally adopted would be revised to reflect the latest available commercial fuel prices. No provision was made in the notice for continuation of the commercial fuel surcharge since it appeared that fuel price increases were leveling off.

Both the carriers and DOD argue for continuation of the fuel surcharge. In general, the carriers' position is that in view of continued uncertainty regarding the future course of the fuel situation, the time is not yet ripe for abandonment of the monthly fuel surcharge procedure.

The DOD position is that the minimum rates adopted should be set at a level that excludes a portion of past fuel price increases so that a surcharge would be in effect from the date the final rates are adopted. The Department contends that such a procedure is necessary to protect it from overpaying the carriers should fuel prices drop suddenly after adoption of the final rates. The DOD believes, however, that sufficient stability in fuel prices does exist to permit quarterly review of the surcharge rate on a prospective basis as opposed to the present monthly review and retroactive adjustment. In addition, the Department urges the elimination of the military fuel price adjustment clause, upward adjustment of the minimum rates to reflect current prices for military-supplied fuel, and reflection of price changes for military fuel in the surcharge adjustment.[6]

[5] The return on the carriers' actual investment is of course greater than 10.5 percent because, as discussed *infra*, to the extent the 10.5 percent rate of return fails to include a profit element for the increased risk of operating with leased aircraft, we have provided an additional return for such risk.

[6] The request is in a letter dated October 2, 1974, from Mr. Arthur Purkel, Directorate of Procurement, Headquarters, Military Airlift Command, addressed to the Deputy Director of the Bureau of Economics.

This would be in lieu of the current procedure which provides for MAC to compensate the carriers for military fuel purchased at prices above certain base levels. The DOD contends that the present practice contains a potential for abuse and is inconsistent with traditional MAC rate-making principles.

The minimum rates adopted herein are based upon commercial fuel prices furnished by the carriers and military fuel prices supplied by the Defense Supply Agency in effect as of October 1, 1974. In view of the continued uncertainty surrounding fuel prices and availability, we have determined to continue the monthly surcharge procedure, and will hereafter include in the review all fuel including that purchased from military sources.[7] This will permit elimination of the automatic military fuel price adjustment clause as requested by the DOD. However, we have determined to eliminate the retroactive application of the surcharge adjustments. We have made this change because the rapid escalation in fuel prices which originally prompted introduction of the fuel surcharge has slowed, and we no longer believe the MAC carriers require protection from continued fuel price escalation on a retroactive basis. Accordingly, future surcharge adjustments based upon our monthly review of reported fuel price changes shall be effective prospectively only.[8] Thus, December 1, 1974, reported fuel price changes are the basis for the surcharge rates adopted herein; and price changes reported as of January 1, 1975, will be the basis for a rate adjustment effective prospectively on or about February 1, 1975.

In addition, as discussed hereafter, we have revised the procedure used to determine the surcharge rate. The average per gallon cost of fuel from both military and commercial sources, reflected in the final rates for international MAC services, are set out for each carrier and group in Appendix Q. The ratio of fuel costs to total economic costs, including return and tax provision, are set forth in Appendix R. Each month, the current average fuel cost per gallon will be determined for military fuel by reference to the Defense Supply Agency, and for commercial fuel from the carriers' first-of-the-month fuel price reports, using the "active stations" methodology for commercial fuel prices at each station.[9] The variations in current average fuel cost from that reflected for each carrier in the rate base [10] will then be translated into a total economic cost impact which when weighted for each carrier in the group, at the same weighting reflected in computing the final rate base, produces the net rate impact for the current fuel price changes.[11] Upon receipt and processing of January 1, 1975, fuel price data, surcharge determinations will be made for effectiveness on or about February 1, 1975, and the procedure shall be repeated each month for as long as it is deemed necessary to maintain this factor in the rate.

As set out in Appendix O, the fuel surcharges for December 1, 1974, prices are computed at 1.30, 1.66 and 1.59 percent for long-range, Pacific interisland and "other" short-range MAC services, respectively. These surcharges are primarily the result fo the four to five percent increase in military fuel prices, representing approximately 60 percent of fuel consumption in MAC operations.

Interrupted-trip expense. The notice proposed to disallow interrupted-trip expense as not applicable to MAC operations. Two carriers [12] oppose this disallowance on the ground that such costs are in fact incurred, and are specifically covered by the MAC contracts. It appears that where the interrupted trip is caused by MAC, the contracts permit the carriers to bill MAC separately for the added costs. On the other hand, if the cause of the interrupted trip is beyond the control of either party then such costs are to be borne by the carrier. On this basis, we have included interrupted-trip expense as an allowable cost as indicated in Appendix M.

Leased aircraft. As indicated in the notice, leased equipment costs have been included in conformance with § 399.43 of the Board's policy statements, which sets forth the Board's treatment of leased aircraft for rate-making purposes. That section provides that for rate-making purposes the Board will recognize only actual rental expense. However, in unusual circumstances, a profit element may be added to reflect the additional risks of operations with leased aircraft that are not compensated for by the return on investment. In the final rate determination, in addition to recognizing actual rental expense, we have included a profit element on leased aircraft in those cases where the ratio of the value of the carrier's leased aircraft to the total value of the carrier's fleet assigned to MAC international operation exceeds 40 percent. In our view, such a ratio is sufficiently in excess of the 25.5 percent ratio for the aggregate of MAC carriers as to warrant the inclusion of a profit element for leased aircraft as shown in Appendix L. However, in two instances (Airlift DC-8-63 and Overseas National DC-8-61/63) the projected rental expense plus the allowable profit exceeded depreciation plus return on investment computed as if the aircraft had been owned by the carrier. Therefore, in accord with Board policy, the amounts recognized were adjusted downward to conform with the depreciation and return which would have been allowed if the aircraft had been owned. In addition, as was pointed out in the notice, recognized rental expense is reflected in the determination of burden ratios, general burden, and the cash operating expenses allowed as working capital.

In both its comment and its reply, Trans World Airlines (TWA) argues against this method of applying the policy statement or leased aircraft. The carrier's position is that by its terms the policy statement provides for a return on leased equipment where the ratio of a carrier's leased to owned aircraft exceeds the ratio for the aggregate of domestic trunkline and local service carriers, and that the Board should have used those carrier groups in computing the industry average rather than the aggregate of MAC carriers. TWA points out that this was the technique used by the Board in past MAC rate reviews, and argues that no logical reason exists for treating leased aircraft differently in the present review. In addition, the carrier contends that the leased equipment ratio has not been computed on the basis of the latest available information which it believes the Board is obligated to use. TWA also contends that, whereas the policy statement provides for recognition of a profit element when the carrier's ratio of leased aircraft value to net book value of owned aircraft is significantly in excess of the ratio for the aggregate of domestic trunkline and local service carriers, the Board has improperly determined the need for a profit element by employing the carrier's ratio of leased aircraft value to leased plus owned aircraft value.[13]

Upon consideration, we find that we agree in principle with TWA's contention that the appropriate comparison should be with the aggregate of domestic trunkline and local service carriers' fleets, rather than that of the MAC carriers. Hereafter, for MAC rate purposes, we will compute any recognized return for operations with leased aircraft on that basis rather than on the basis relied upon herein. However, we are not persuaded to re-compute the return recognized in the present proceeding. To revise the calculations would delay finalization of the rule, a result which all of the carriers have sought to avoid, but would produce what we believe would be only a de minimis change in the final rate.[14] We

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[7] As a consequence, the carriers should continue to supply the monthly and quarterly fuel reports to the Government Rates Division.

[8] Experience has shown that these computations can be completed on or before the end of the month. Therefore, absent unusual circumstances, we expect the monthly determinations to become effective on the first day of the following month.

[9] Keyed to current fuel consumption reported, by station, for the latest available quarter's station activity.

[10] Computations for fuel costs reflected in the base rate and as at December 1, 1974, are set out in Appendices P and O.

[11] See Appendix O for computation of the surcharges applicable to the base rates established herein, based on military and commercial fuel prices effective as at December 1, 1974.

[12] Northwest Airlines and Trans International Airlines.

[13] The carrier is correct in its assertion. However, TWA has not shown how it is prejudiced by the method employed, and we are not persuaded to determine the need for a profit element on the basis put forth by the carrier.

[14] TWA has calculated the ratio of leased to owned plus leased aircraft value for domestic trunkline and local services carriers as of December 31, 1973, to be 27.1 percent. Accepting the carrier's figures, we do not find the difference in the return allowed by use of the MAC carriers' ratio of 25.5 percent as of December 31, 1973 to be significant.

are not persuaded that such a result is necessary to achieve a fair and equitable minimum MAC rate.[15]

TWA cost data. The rates proposed in the notice did not reflect TWA's MAC operating results since the carrier submitted no cost data. Both the joint carriers and TWA suggest that the Board derive a cost factor for TWA to avoid skewing the final rates toward the costs of stretched jets which are less expensive to operate than the standard jets TWA operates in MAC service. We will not attempt to derive a cost factor for TWA. To begin with, there is no reason to believe that the preponderance of MAC's airlift requirements cannot be met through use of the more efficient stretched jets. However, in order to permit broader participation in the MAC procurement program by operators of both standard and stretched jets, the Board has established the minimum rates on the basis of a weighted average of participating carriers' costs of operating both equipment types. This permits operators of standard equipment to compete for MAC business at rates that more closely approximate their operating costs than would rates established solely on the basis of operating costs for stretched equipment. However, there is nothing sacrosanct about the weighting technique, and, under the circumstances, the use of costs skewed in favor of the more efficient equipment does not appear unreasonable. In view of the foregoing, and the fact that the carrier has provided no cost data, and indeed had expressed its willingness to accept rates established on the basis of other carriers' submissions,[16] we are not persuaded to derive costs for TWA's standard jet operations.

Investment. Since, as discussed above, the cost data have been adjusted to reflect certain fiscal year 1975 cost increases, the investment data has also been updated to January 1, 1975 the mid point of the latest forecast year.

Determination of rate. The following table shows the total economic costs (Appendices A and B) recognized for each carrier and aircraft for round-trip passenger and cargo charters:

[15] Appendix L has been updated, however, to reflect the carriers' investment as of December 31, 1973, the latest available information.

[16] Letter from the carrier dated September 13, 1973.

	Per passenger-mile		Per cargo ton-mile	
	Standard	Stretched	Standard	Stretched
Airlift, DC-8-63		2.316		9.913
Capitol, DC-8-55	2.811		10.784	
DC-8-63		2.490		10.061
Northwest, B-707	3.098		12.520	
ONA, DC-8-61		2.444		9.734
DC-8-63		2.466		10.068
Pan American, B-707	3.231		12.164	
Saturn, DC-8-54	3.276		12.647	
DC-8-61		2.831		11.876
Seaboard, DC-8-63		2.444		10.058
Flying Tiger, DC-8-63		2.483		10.512
TIA, DC-8-61		2.511		10.279
DC-8-63		2.420		9.706
World, DC-8-63		2.481		9.959

Since the total economic costs have been updated to fiscal year 1975, we have weighted these unit costs by the current year (1975) MAC contract fixed-buy revenues, as opposed to the weighting used in the Notice (1974 contract fixed-buy revenues). In our judgment, the average costs thus produced take into consideration, on an equitable basis, the range of individual carrier costs. As set out in Appendix G, the weighted unit costs for regular jet aircraft are 3.182 cents per passenger-mile and 12.164 cents per ton-mile for passenger and cargo Category B round-trip services, respectively. Correspondingly, the respective passenger and cargo unit costs for round-trip services with stretched jet equipment are 2.481 cents per passenger-mile and 10.136 cents per ton-mile.

The mileage absorption factors reflected in the rate determination, which recognize the difference between revenue miles flown used in costing and the standard mileages used for payment purposes, are the same as that used in the Notice, except as provided below, and are derived from experience data furnished by the carriers. Appendix F shows the computation of the average relationship of operating miles and pay miles. We have applied this ratio to the adjusted costs, by classes of aircraft as shown in Appendix H. Regular jets in passenger service were operated on an average of 1.74 percent, and stretched jets an average of 0.68 percent greater distances than represented by the MAC pay mileages. In cargo services, the averages were 1.84 and 2.67 percent greater for regular and stretched jets, respectively. These absorption factors are the same as were developed in the Notice (except for the elimination of Saturn's DC-8-54 experience in passenger service) since more current data was not available.[17] Where applying the absorption factors to the adjusted costs, stretched and regular jets were weighted on the basis of MAC fiscal 1975 contract fixed-buy revenues. As set forth in Appendix H, the proposed round-trip rates so derived are 2.848 cents per passenger-mile and 10.966 cents per cargo ton-mile. These rates are approximately 16 percent above the current passenger rate and 13 percent above the current cargo rate, including the 6.09 percent commercial fuel surcharge effective December 1, 1974 by ER-894. The increase in the unit rates are attributable to the reduction in the volume of MAC services, increases in fuel prices (both commercial and military, now that the military automatic fuel clause has been eliminated) and the annualization of wage and other operating cost increases.

The one-way rates have been derived in the same manner described in the Notice. However, since we have updated other data for fiscal 1975, we have also updated the commercial revenue backhaul data to reflect the latest reported results—the year ended June 30, 1974. Based on our analysis of the Form 243 data (see Appendix I), the commercial backhaul factors are 12.38 percent for passenger trips and 48.99 percent for cargo trips. The derivation of the one-way rates, based on these factors, is shown in Appendix J. The resulting minimum rates are 5.119 cents per passenger-mile for one-way passenger charters and 16.504 cents per ton-mile for one-way cargo charters. These rates represent an increase in the current one-way passenger rates of about 10 percent, including the 6.09 percent commercial fuel surcharge which was effective December 1, 1974 by ER-894 and a decrease in the one-way cargo rate of 12 percent.[18]

We have determined the line-haul rates for convertible and mixed services in the same manner as in previous rate reviews. However, for the mixed Coral Sea operation, in accordance with the Notice, we have set the conversion charge at $207 per pallet.

Category B Minimum Rates for Small Turbine Aircraft

Set forth below are the existing minimum rates for small turbine aircraft, the rates proposed in the notice, and the revised fair and reasonable minimum rates adopted herein, together with the percentage differences between the current rates and the rates adopted.

[17] DOD in its comment took exception to the mileage absorption factor computed for Saturn Airways in its passenger service with the DC-8-54 aircraft which showed a 23.836 percent deviation. DOD claimed that because this factor is almost five times larger than the next highest deviation in passenger service it must be erroneous, and; therefore should not be relied upon in determining the overall absorption factor. The joint carriers' comment suggests that the absorption factor for Saturn shown in Appendix F to EDR-278 was the product of a typographical error in the Appendix. However, the data submitted by the carrier in its information response was as follows: passenger-miles flown 220,265; pay-miles 177,868 (Schedule R for the year ended 6/30/73). This produces an absorption factor of 23.836 percent. We agree with DOD that this factor is unrealistic and have excluded it in our computation. Also, we will not adjust World's absorption factor to reflect its fiscal 1974 experience, as requested by the joint carriers.

[18] Due to the heavier impact for the increased commercial backhauls.

	Current [1]	Proposed	Adopted	Percent increase (decrease) from current
PACIFIC INTERISLAND				
Passengers (cents per passenger-mile):				
Round-trip	3.092	3.163	4.023	30.11
1-way	5.905	6.041	7.684	30.13
Cargo (cents per ton-mile):				
Round-trip	16.300	15.608	20.556	26.11
1-way	32.438	31.061	40.907	26.11
ALL OTHER				
Passengers (cents per passenger-mile):				
Round-trip	3.627	3.718	4.613	27.19
1-way	6.928	7.102	8.810	27.17
Cargo (cents per ton-mile):				
Round-trip	17.909	18.204	23.363	29.80
1-way	35.819	36.226	46.492	29.80

[1] Effective Oct. 29, 1974, ER-879, and also reflects the fuel surcharge imposed by ER-894.

The foregoing rates reflect changes, indicated in the Appendices, which are similar to those made for the large turbine aircraft. As proposed in the notice, we have equated the rates for the L-382/L-100-10/20/30 with the B-727 in both the Pacific interisland operation and the "all other" category of operations. We have also eliminated the rate provisions for piston-powered aircraft.

World's costs have been used in developing the rates for the Pacific interisland classification and Eastern's in the "all other" short-range service category. This is consistent with the fiscal 1975 MAC contracts, and we have followed those classifications in assessing costs for our rate-making determinations.

The adjustments from the costs proposed in the Notice for small turbine aircraft charters are based on the same general principles indicated for the large jets, as shown in Appendices C and D. The major cost revisions involve changes resulting from application of October 1, 1974 fuel prices, the elimination of the automatic fuel adjustment clause for military fuel, an allowance for interrupted-trip expense, and the inclusion of increased labor costs as the result of the contracts signed since the original forecasts were submitted.

As was pointed out in the Notice, since there is only one carrier in each classification, there is no need for weighting, and the carrier's recognized costs represent the proposed round-trip passenger and cargo rates.

As was also set forth in the notice, the Form 243 reports indicate that no adjustment is warranted for commercial backhauls in the short-range classifications. For the empty backhauls, we estimate cost savings of approximately nine percent for passenger trips, the same as for long-range services, and one percent for cargo operations, both as reflected in the Notice.

The convertible and mixed rates for the short-range aircraft were derived on the same basis as their counterpart rates for long-range aircraft. The adjustment factors and computations for the convertible rates are set forth in Appendix K.

Individually Ticketed and Waybilled Services

Category A and Z services. In the notice we did not propose revised rates for either Category A passenger or cargo services or Category Z passenger services because of the need for a thorough reexamination of the economic basis for these rates. We indicated that our proposals for these services would be considered in a separate rule making, and that in the event the proposals were not finalized prior to the completion of the present full-scale review, we would adjust the Category A and Z rates to the level of the Category B one-way rates as determined herein. This was intended to preserve the existing relationship until a definitive determination was made on the Category A and Z proposals. Since our Category A and Z notice of rule making has not yet been issued, we are adjusting the Category A and Z rates to the level of the Category B one-way charter rates.

Pan American in its comments has suggested two adjustments it believes are required to the Category A cargo rates.[9] The first adjustment is to apply the rate to the mileages between military bases rather than the mileages between commercial points. The second adjustment is to restore the minimum pallet weight to 4,500 pounds from its present 3,750 pounds. Since these two adjustments relate to the economics of the rate which is presently under study, we will defer action on both adjustments until our notice of rule making is issued.

Standard Mileage

In the notice, the Board proposed amending § 288.10(b), the standard mileage provisions for Pacific services, by eliminating routings via Wake Island and substituting Guam. The deletion of Wake Island was necessary because the airfield there has been closed to all flights except local support traffic. Both the carriers and DOD concur on this change for flights from Hawaii to Thailand, South Vietnam, and the Philippines, and we have finalized these routing changes as proposed. DOD objects, however, to the Guam substitution on mid-Pacific routings to Japan, Formosa, Okinawa, and Korea. In effect the Department contends that because all aircraft types in use by MAC carriers in passenger operations except the DC-8-61 have sufficient range capability to operate direct from Honolulu to Yokota, application of the per-mile rates to mileage constructed by assuming routings via Guam would require it to pay for considerable circuity which is neither required nor actually flown. DOD contends that substitution of Guam on mid-Pacific cargo flights is also unwarranted because the B-707 and DC-8-50 aircraft, which it alleges perform the bulk of mid-Pacific cargo flights, have sufficient range capability to operate nonstop between Honolulu and Yokota.

The joint carriers, on the other hand, although agreeing as to passenger flights, contend that for mid-Pacific cargo flights substitution of Guam for Wake Island is necessary because neither the DC-8-63 nor the DC-8-61 can be operated nonstop from Honolulu to Yokota carrying the prescribed ACL. Since these aircraft must make a technical stop, the carriers argue that the standard mileage should be based upon routings via Guam if the carrier is to be compensated for the mileage actually flown. The carriers also argue that if the same standard mileages are not adopted for all aircraft types, a competitive imbalance would be created, a situation which in the past they contend the Board has sought to avoid.

Based upon supplemental information obtained from carriers operating MAC flights over mid-Pacific routings, it appears that certain aircraft types are in fact capable of operating nonstop from Honolulu to Yokota. For this reason and considering the significant amount of circuity involved, we agree with DOD that an across-the-board substitution of Guam for Wake Island is not warranted. Instead, we will amend the routing provision in § 288.10(b) to provide for mid-Pacific routings either via Guam or direct thus giving to MAC the option to determine the required routings in the contract specifications.

Convertible Rates

The notice proposed a minimum notification time of 30 days if conversion rates are to apply. Should MAC need to convert a flight on less than 30 days' notice, it was proposed to apply one-way rates to each leg of the converted flight. DOD contends that rather than incorporate a minimum notification time in Part 288, it is prepared to amend the existing MAC contracts to provide a minimum conversion notice of 7 days under all conditions. DOD believes that the 7 days' notice will provide carriers a reasonable opportunity to schedule operations while preserving necessary flexibility for MAC. The joint carriers, on the other hand,

[9] The carrier also renews its request for the inclusion within Part 288 of a so-called Category Y or blocked-space rate. Our most recent views on this subject are set forth in Order 74-10-132, October 25, 1974, and further discussion of the matter is unnecessary.

argue that the proposed seat-conversion charge fails to adequately compensate carriers for the disruption to commercial operations occasioned by short-notice calls by MAC for convertible trips. The carriers contend that the appropriate way to compensate for these costs is to apply the one-way rates to convertible operations, but that, in any event, they are entitled to a minimum of 30 days' notice to plan for each convertible trip.

Upon review of the comments, including DOD's offer of 7 days' advance notice and the carriers' lack of evidence to support the need for application of one-way rates, we have determined to adopt the increased seat-conversion charge proposed in the notice, but to provide for application of convertible rates where 10 days' notice is provided as opposed to the 30 days proposed. In its comment, the DOD urges provision of convertible services on terms which preserve for it necessary operational flexibility. We now believe the proposed 30 days' notice requirement would not provide DOD the flexibility it seeks. Accordingly, we find a reasonable balancing of the conflicting interests is struck by adopting the proposed $75 seat-conversion charge and providing for application of convertible rates where 10 days' advance notice is provided.

Amendment of § 288.8. DOD points out in its comments that the proviso in this section refers to 12 loaded pallets for all DC–8 aircraft, although stretched DC–8 jets can accommodate 16 loaded pallets. The Department believes the section should be amended to include the correct number of pallets. We agree and have amended the section accordingly.

The joint carriers request an amendment of this section to reduce the passenger-ACL for the DC–8–63 on convertible flights from 219 to 201 passengers. The reduction is said to be necessary to accommodate cargo nets and other equipment which must be carried on the passenger leg without the possibility of an airlift deficit. The present ACL for convertible stretched jet services was adopted in ER–786 based upon a test program conducted by MAC. The test results did not indicate any need for a reduction of the passenger-ACL. The carriers have offered no basis to depart from the findings in the MAC study, and we are therefore not persuaded to adopt the proposed change.

In consideration of the foregoing, the Board hereby amends Part 288 of the economic regulations (14 CFR Part 288), effective January 17, 1975, as follows:

1. Amend paragraphs (a) and (d) of § 288.7 to read as follows:

§ 288.7 Reasonable level of compensation.

It shall be a condition on the exemption granted by this part that the level of compensation for transportation provided shall not be uneconomically low. In the absence of specific Board approval, the compensation for such services shall not be less than the following:

(a) For charter service in foreign and overseas transportation, and in transportation between the 48 contiguous States, on the one hand, and Alaska or Hawaii, on the other hand, other than specified in paragraph (c) of this section:

Amended rates effective

Aircraft type	Passenger rates, per passenger-mile		Cargo, per ton-mile		Convertible rates [1]		Mixed passenger-cargo rates, per revenue plane-mile [11]	
	Round trip	1 way	Round trip	1 way	Passenger leg, per passenger-mile	Cargo leg, per ton-mile	Round trip	1 way
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*		
Regular turbojets	2.848	5.119	10.966	16.504	2.848	12.641		
Passengers-pallets:								
165 and 0							$4.699	$8.446
117 and 3							4.497	7.742
105 and 4							4.446	7.566
93 and 5							4.395	7.389
81 and 6							4.345	7.213
63 and 7							4.269	6.949
51 and 8							4.212	6.753
0 and 12							4.093	6.624
DC–8–61/63F	[2] 2.848	[2] 5.119	[4] 10.966	[4] 16.504	[2] 2.848	[2] 12.641		
Passengers-pallets:								
219 and 0							6.237	11.211
159 and 5							5.880	10.174
65 and 12							5.321	8.550
47 and 13							5.214	8.239
0 and 18							4.935	7.427
B–727 Pacific interisland [5]	4.023	7.684	20.556	40.907	4.023	24.667		
Passengers-pallets:								
105 and 0							4.224	8.068
61 and 2							4.065	7.773
50 and 3							3.950	7.699
46 and 4							3.930	7.672
0 and 7							3.709	7.363
B–727 All other [6]	4.613	8.810	23.363	46.492	4.613	28.035		
Passengers-pallets:								
105 and 0							4.844	9.251
61 and 2							4.576	8.881
50 and 3							4.509	8.780
46 and 4							4.485	8.755
0 and 7							4.205	8.369

[1] Conversion rates shall apply only for flights that are converted a minimum of 10 days in advance of the performance of the service. Conversion charges for convertible flights or variable mixed flights shall be at the rate of $75 per seat changed on each segment. If a flight is converted with less than 10 days' notice, the 1-way rates shall apply to each leg of the converted round trips.

[2] For the Coral Sea variable mixed operation the conversion charge shall be $207 per cargo pallet in lieu of a seat charge.

[3] Also applies to wide-bodied (B–747, DC–10, and L–1011) equipment.

[4] Shall also apply to the L–382/L–100–10/20/30 and CV–990 aircraft.

Provided, That subject to the provisions of § 288.8, the minimum rates set forth above shall not be applicable to passengers or cargo carried on a particular trip in excess of the amount that the contract calls for DOD to supply and the carrier to provide space: *And provided further*, That if a carrier performs a one-way charter flight carrying nonmilitary traffic for a nonmilitary user, the carrier may charter the return flight of that aircraft to DOD at a published one-way charter tariff rate that is in fact available to the general public for equivalent services: *Provided, however*, That effective January 17, 1975, the total minimum compensation pursuant to the rates set forth above for (1) services performed with regular jet, wide-bodied jet and DC–8F–61/63 aircraft, (2) Pacific interisland services performed with B–727 aircraft, and (3) all other services performed with B–727 aircraft shall be increased by surcharges of 1.30 percent, 1.66 percent and 1.59 percent, respectively.[10]

* * * * *

(d) For Category A transportation services performed on and after January 17, 1975:

[10] The surcharge provisions for services performed with B–727 aircraft will be applied to all other common-rated aircraft types.

(1) *Passengers.* 5.119 cents per passenger-mile.

(2) *Cargo.* 16.504 cents per ton-mile.

Provided, That effective January 17, 1975, the total minimum compensation pursuant to the rates specified in paragraphs (d)(1) and (2) of this section shall be increased by a surcharge of 1.30 percent.

(3) The foregoing rates per passenger-mile and per ton-mile shall be applied to the shortest mileage between the commercial air carrier points as set forth in the latest IATA Mileage Manual used to compute point-to-point passenger fares and cargo rates per pound.

(4) For cargo services to/from military bases outside the United States, the rates per pound shall not be less than the rates to/from the nearest commercial point, computed in accordance with paragraphs (d)(2) and (3) of this section.

(5) The cargo charges determined in accordance with paragraphs (d)(2) through (4) of this section shall be applied on the basis of a standard weight per pallet of 3,750 pounds: *Provided,* That it is not required that cargo be tendered in pallets.

* * * * *

2. Amend § 288.8 to read as follows:

§ 288.8 Minimum aircraft loads.

The minimum charges established in § 288.7(a) shall be deemed economic only when the resulting revenues are at least the equivalent of such charges applied to the following minimum loads:

Aircraft type	Number of passengers, all-passenger and convertible flights	Tons of cargo: All-cargo flights	Tons of cargo: Convertible flights
B-747	375	90.0	90.0
DC-10-40	280		
DC-10-30	303	75.0	75.0
L-1011	272		
B-707-320B/C	165	36.5	31.7
B-707-300 series	152		
B-707-138B	137		
B-707-100 series (other)	149		
DC-8F-61, 63	219	45.0	39.0
DC-8-62	165	39.2	
DC-8F	165	36.5	31.7
DC-8 (50 series)	149		
DC-8 (other)	147		
DC-9-30	95		
B-727	105	18.0	15.0
CV-990	105		
L-382		20.7	
L-100-10/20/30		20.7	

Provided, That for the purpose of this section, compensation equal to the minimum rate applied to the load that actually can be accommodated shall be considered economic whenever a carrier is prevented from accommodating a load equal to the minimum specified above, for reasons other than adverse weather, off-loading by DOD, or the bulk of the cargo supplied by DOD, but in no event less than 90 percent of the above minimum loads. For purpose of this proviso, failure by the carrier to accommodate more than 12 loaded pallets on the B-707-320/B/C and DC-8F aircraft, and 16 loaded pallets on the DC-8-61/63 aircraft, irrespective of the total weight thereof, on the all-cargo segment of any convertible charter flight, due to the presence of galley equipment and/or crew facilities on the main deck of the aircraft for use on that convertible charter flight, is deemed to be due to the bulk of the cargo supplied by DOD.

3. Amend paragraph (b) of § 288.10 to read as follows:

§ 288.10 Computation of passenger-miles and cargo ton-miles.

* * * * *

(b) *Pacific services.* In the case of Pacific services between points specified in the following table, the mileage shall be computed via the indicated routings:

Between	Thailand	South Vietnam	Philippine Islands	Guam	Korea	Hawaii	Formosa	Okinawa	Japan	Alaska
U.S. West Coast [A]	4 or 6	4 or 6	4 or 6	5	4 or 8 [B]	1	4 or 8 [B]	4 or 8 [B]	2 or 5 [B]	1
Alaska	3	3	3		3		3	3	1	
Japan	1	1	1	1	1	[D] 1	1	1		
Okinawa	1	1	1	1	1	[D] 3	1			
Formosa	1	1	1	1	1	[D] 3				
Hawaii	7	7	7	1	[D] 3					
Korea	9	9	1	1						
Guam	1	1	1							
Philippine Islands	1	1								
South Vietnam	1									

ROUTINGS

[A] Any place in the States of California, Oregon, or Washington.
[B] Honolulu-Yokota AB, Japan either direct or via Guam as specified in the MAC contract.

1. Direct.
2. Via Anchorage.
3. Via Yokota AB, Japan.
4. Via Anchorage-Yokota AB, Japan.
5. Via Honolulu.
6. Via Honolulu-Guam.
7. Via Guam.
8. Via Honolulu-Yokota AB, Japan.
9. Via Taipei.

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

Effective: January 17, 1975.

Adopted: January 17, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-2028 Filed 1-22-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 656—CARPOOL DEMONSTRATION PROJECTS

Extension of Termination Date

The Federal Highway Administrator is amending the regulations of the Federal Highway Administration relating to carpool demonstration projects to reflect the fact that the statutory termination date for the Federal program of funding carpool demonstration projects has been extended for 1 year. In section 3 of the Emergency Highway Energy Conservation Act, Pub. L. 93-239, Congress specified that a carpool demonstration project could not be approved after December 31, 1974. That termination date was changed to December 31, 1975 by virtue of the enactment of section 120 of the Federal-Aid Highway Amendments of 1974.

Since this amendment relates to administration of a program of Federal grants for carpool demonstration projects, notice and public procedure thereon are unnecessary, and it is effective on the date of issuance set forth below.

In consideration of the foregoing, § 656.11 in Part 656 of Chapter I of title 23, CFR is revised to read as follows:

§ 656.11 Termination.

A carpool demonstration project may not be approved after December 31, 1975.

This amendment is issued under the authority of 23 U.S.C. 315, section 120 of the Federal-Aid Highway Amendments of 1974, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48.

Issued on January 15, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-2116 Filed 1-22-75;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 448]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 **Status of participating communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Arizona	Greenlee	Clifton, town of	Jan. 17, 1975, Emergency	June 7, 1974		
Arkansas	Jackson	Jacksonport, town of	do	Aug. 23, 1974		
California	Plumas	Unincorporated areas	do			
Do	Monterey	Soledad, city of	do	May 17, 1974		
Do	Santa Clara	Watsonville, city of	do	Mar. 22, 1974		
Do	Solano	Fairfield, city of	do	Oct. 18, 1974		
Do	Santa Clara	Gilroy, city of	do	May 31, 1974		
Colorado	Larimer	Wellington, city of	do	Mar. 22, 1974		
Connecticut						
Do	Litchfield	Sharon, town of	do	Aug. 2, 1974		
Idaho	Ada	Eagle, city of	do	Dec. 7, 1973		
Illinois	Cook	Summit, village of	do	May 10, 1974		
Do	do	Golf, village of	do	Mar. 29, 1974		
Kansas	Sedgwick	Derby, city of	do	June 28, 1974		
Do	do	Haysville, city of	do	do		
Kentucky	Jessamine	Wilmore, city of	do			
Minnesota	Hennepin	Tonka Bay, city of	do	June 7, 1974		
Missouri	Miller	Eldon, city of	do	Mar. 29, 1974		
Nebraska	Thurston	Winnebago, village of	do	Apr. 5, 1974		
New Jersey	Atlantic	Buena, borough of	do	June 28, 1974		
New Mexico	Sandoval	Bernalillo, town of	do	June 7, 1974		
New York	Cayuga	Aurora, village of	do	Apr. 12, 1974		
Do	Montgomery	Fultonville, village of	do	Mar. 1, 1974		
North Dakota	Walsh	Grafton, city of	do	Jan. 23, 1974		
Oklahoma	Oklahoma	Bethany, city of	do	Oct. 18, 1974		
Do	Beckham	Elk, city of	do	May 24, 1974		
Oregon	Harney	Hines, city of	do	Nov. 30, 1974		
Pennsylvania	Washington	Amwell, town of	do			

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

Issued: January 10, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2004 Filed 1-22-75;8:45 am]

[Docket No. FI 449]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Alabama	Shelby	Pelham, city of	January 13, 1975 Emergency.	June 21, 1974		
Florida	Bay	Callaway, city of	do	Aug. 9, 1974		
Illinois	Lake	Wauconda, village of	do	Apr. 5, 1974		
Do	Dupage	Oak Brook, village of	do	Mar. 29, 1974		
Do	St. Clair	Swansea, village of	do	Apr. 5, 1974		
Do	Cook	Alsip, village of	do	Mar. 22, 1974		
Do	do	Lansing, village of	do	Feb. 1, 1974		
Maine	Kennebec	Hallowell, city of	do	do		
New York	Lawrence	Massena, village of	do	Oct. 25, 1974		
Pennsylvania	Bedford	Everett, borough of	do	Aug. 9, 1974		
Do	Snyder	Chapman, township of	do			
Do	Adams	Freedom, township of	do			
Do	Lancaster	Parsdise, township of	do	Sept. 6, 1974		
Do	Potter	Ulysses, township of	do			
Do	Lancaster	Earl, township of	do	Sept. 20, 1974		
Do	Adams	Straban, township of	do			
Rhode Island	Providence	Scituate, town of	do	Sept. 6, 1974		
South Carolina	Charendon	Summerton, town of	do	May 24, 1974		

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

Issued: January 6, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2006 Filed 1-22-75;8:45 am]

[Docket No. FI-310]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Deletion of Certain Iowa Communities From List of Eligibles, Correction

On July 12, 1974, in 39 FR 25649, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Davenport, Iowa, as an eligible community and included Map No. H 190242 11 which indicates that Lots No. 1 through 11 of Peaceful Valley, Third Addition, Scott County, Davenport, Iowa, as recorded in Deed Book Volume D, pages 5 and 12 of the records of the Recorder of Scott County, Iowa, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in view of additional, recently acquired, flood information that the above property is not within the Special Flood Hazard Area. Accordingly, effective June 21, 1974, Map No. H 190242 11 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, December 24, 1969), (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: January 13, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2174 Filed 1-22-75;8:45 am]

Title 25—Indians

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

SUBCHAPTER I—CREDIT ACTIVITIES

PART 91—LOANS TO INDIANS FROM THE REVOLVING LOAN FUND

Revision of Part

JANUARY 16, 1975.

This notice is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on page 31986 of the September 3, 1974, Federal Register (39 FR 31986), there was published a notice of proposed rulemaking to revise Part 91, Subchapter I, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is made pursuant to the authority contained in section 109 of the Act of April 12, 1974 (88 Stat. 77).

The purpose of this revision of Part 91 is to update the regulations to reflect the provisions of the Indian Financing Act of 1974 (Pub. L. 93-262, 88 Stat. 77) which provides for financing the economic development of Indians, Indian organizations and Indian tribe.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed revision. During this period, comments and suggestions were submitted by interested persons. All comments and suggestions received were analyzed and considered in revising the proposed regulations. Some of the comments and suggestions pertained to changes which would require legislative action to change the Indian Financing Act of 1974.

The following major revisions were made to the proposed regulations as a result of the comments received:

1. § 91.1 *Definitions.* Several changes were made to the definitions in § 91.1. Unterminated California rancherias were added in the definition of "reservation" in paragraph (h). Agricultural was added to the definition of "economic enterprise" in paragraph (i). "Relending organization" was defined in a new paragraph (n). "Default" was defined in a

new paragraph (o). "Mortgage" was defined in a new paragraph (p). "Financing Statement" was defined in a new paragraph (q). "Applicant" was defined in a new paragraph (r). "Cooperative association" was defined in a new paragraph (s). "Corporation" was defined in a new paragraph (t). "Partnership" was defined in a new paragraph (u).

2. § 91.2 *Kinds of loans.* This section was revised to clarify the intent and to differentiate between United States direct loans and loans made by relending organizations.

3. § 91.3 *Eligible borrowers under United States direct loan program.* This section was formerly entitled "Eligible borrowers". The title was changed to show that it relates to United States direct loans only.

4. § 91.4 *Applications.* This section was expanded to provide for submittal of additional financial information on economic enterprises.

5. § 91.5 *Approval of loans.* This section was revised to differentiate between approvals of United States direct loans and loans made by a relending organization. A provision was added that economic enterprises which are or will be operated on a reservation must comply with the requirement of applicable rules, resolutions and ordinances enacted by the governing body of the tribe, if applicable.

6. § 91.6 *Modification of loans.* This section was revised and expanded to clarify and separate modification of United States direct loans and loans made by relending organizations.

7. § 91.9 *Preservation of historical and archaeological data.* This section was expanded to include procedures to be followed by relending organizations in considering loan applications and modifications, where the use of funds might require archaeological clearance.

8. § 91.10 *Federal Reserve Regulation Z and Fair Credit Reporting Act.* This is a new section to call attention to the need for compliance with the applicable provisions of these Acts.

9. § 91.11 *Interest.* Paragraph (e) of this section was revised to provide that the interest rate on advances made before Aprjl 12, 1974 will remain in effect until the loan is paid in full, refinanced or modified to extend the repayment terms.

10. § 91.13 *Security.* This section was revised to provide more details on the kinds of property and income which may be given as security for both United States direct loans and loans made by relending organizations. A provision was added requiring written notice to the tribe of a reservation in advance of a foreclosure which involves the sale of individually owned trust or restricted land which is mortgaged as security for a loan.

11. § 91.16 *Default on loans made by relending organizations.* This is a new section which provides that the procedures to be followed by relending organizations in correcting defaults on loans will be included in their declarations of policy and plans of operation.

12. § 91.18 *Uncollectible loans made by relending organizations.* This is a new section and was added to prescribe the procedures to be followed by relending organizations in taking action on uncollectible loans as compared to cancellation of United States direct loans as prescribed in § 91.17.

13. § 91.19 *Assignment of loans.* This section was revised and expanded to include both United States direct loans and loans made by relending organizations.

14. § 91.22 *Repayments on United States direct loans.* This section was formerly titled "Repayments". Procedures were added for collecting, applying and processing of payments made by borrowers on loans made by a relending organization which loans have been declared in default and the assets, including loans and securities, taken over by the United States.

15. § 91.23 *Repayments on loans made by relending organizations.* This new section was added to differentiate between collection and deposit procedures on United States direct loans and loans made by relending organizations.

16. § 91.25 *Loans for expert assistance for preparation and trial of Indian claims.* The title of this section was expanded to avoid misunderstandings regarding the purpose. Paragraph (a) was expanded to clearly identify the source of funds for making loans under this section. Paragraph (c) on approvals of contracts for expert assistance was added. Paragraph (d) was added to prescribe the procedures and requirements in processing vouchers or claims submitted by experts for payment of expenses and services pursuant to the terms of the contract. Paragraph (e) includes a requirement that a copy of the expert's voucher or claim will accompany requests for advance of funds.

Other revisions were made for the purpose of clarification and understanding.

It is necessary that this program be initiated as soon as possible in order to prevent eligible Indians and Indian organizations from losing the business and educational opportunities for which they immediately need the loans authorized by these regulations. Therefore, good cause is found for dispensing with the 30-day deferred effective date of these regulations under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective January 23, 1975.

As revised, Part 91 of Subchapter I, Chapter I, Title 25 of the Code of Federal Regulations reads as follows:

PART 91—LOANS TO INDIANS FROM THE REVOLVING LOAN FUND

Sec.

91.1 Definitions.
91.2 Kinds of loans.
91.3 Eligible borrowers under United States direct loan program.
91.4 Applications.
91.5 Approval of loans.
91.6 Modification of loans.
91.7 Management and technical assistance.
91.8 Environmental and Flood Disaster Acts.
91.9 Preservation of historical and archaeological data.
91.10 Federal Reserve Regulation Z and Fair Credit Reporting Act.
91.11 Interest.
91.12 Records and reports.
91.13 Security.
91.14. Maturity.
91.15 Penalties on default.
91.16 Default on loans made by relending organizations.
91.17 Uncollectible loans made by the United States.
91.18 Uncollectible loans made by relending organizations.
91.19 Assignment of loans.
91.20 Tribal funds.
91.21 Relending by borrower.
91.22 Repayments on United States direct loans.
91.23 Repayments on loans made by relending organizations.
91.24 Approval of articles of association and bylaws.
91.25 Loans for expert assistance for preparation and trial of Indian claims.

AUTHORITY: Sec. 109, 88 Stat. 77.

§ 91.1 Definitions.

Wherever used in the regulations in this Part, the terms defined in this section shall have the meanings stated:

(a) "Secretary" means the Secretary of the Interior.

(b) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(c) "Indian" means any person who is a member of any Indian tribe, band, group, pueblo or community which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs and any "Native" as defined in paragraph (d) of this section.

(d) "Native" means a citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlakatla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native as so defined either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any village or group.

(e) "Tribe" means any Indian tribe, band, group, pueblo, or community, including Native villages and Native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in paragraphs (f) and (g) of this section, which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs.

(f) "Native village" means any tribe, band, clan, group, village, community, or association in Alaska listed in sections 11 and 16 of the Alaska Native Claims Settlement Act (85 Stat. 688) or which meets the requirements of this Act, and which the Secretary determines was, on the 1970 census enumeration date (as shown by the census or other evidence satisfactory to the Secretary, who

shall make findings of fact in each instance), composed of twenty-five or more Natives.

(g) "Native group" means any tribe, band, clan, village, community, or village association of Natives in Alaska composed of less than twenty-five Natives, who comprise a majority of the residents of the locality.

(h) "Reservation" means Indian reservations, unterminated California rancherias, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act (85 Stat. 688).

(i) "Economic enterprise" means any Indian-owned, commercial, industrial, agricultural or business activity established or organized for the purpose of profit, provided that eligible Indian ownership constitutes not less than 51 percent of the enterprise.

(j) "Organization" means the governing body of any Indian tribe, as defined in paragraph (e) of this section, or entity established or recognized by such governing body for the purpose of this Act.

(k) "Other organizations" means any non-Indian individual, firm, corporation, partnership, or association.

(l) "Profits" mean the net income earned after deducting operating expenses from operating revenues.

(m) "Revolving loan fund" means all funds that are now or hereafter a part of the revolving fund authorized by the Act of June 18, 1934 (48 Stat. 986), the Act of June 26, 1936 (49 Stat. 1968), and the Act of April 19, 1950 (64 Stat. 44), as amended and supplemented including sums received in settlement of debts for livestock pursuant to the Act of May 24, 1950 (64 Stat. 190) and sums collected in repayment of loans made including interest or other charges on loans and any funds appropriated pursuant to Section 108 of the Indian Financing Act of 1974 (88 Stat. 77).

(n) "Relending Organization" means tribes as defined in paragraph (e) of this section, Indian credit associations and associations whose members have a common bond of occupation and/or residence which are organized for the purpose of borrowing from the revolving loan fund in order to conduct a relending program.

(o) "Default" means failure of a borrower to make scheduled payments on a loan, failure to obtain the lender's approval for disposal of assets mortgaged as security for a loan, or failure to comply with the covenants, obligations or other provisions of a loan agreement.

(p) "Mortgages" mean mortgages and deeds of trust evidencing an encumbrance of trust or restricted land, mortgages and security agreements executed as evidence of liens against crops and chattels, and mortgages and deeds of trust evidencing a lien on leasehold interests.

(q) "Financing statement" means the document filed or recorded in county or state offices pursuant to the provisions of the Uniform Commercial Code notifying third parties that a lender has a lien on the chattels and/or crops of a borrower.

(r) "Applicant" means an applicant for a United States direct loan from the revolving loan fund or a loan from a relending organization.

(s) "Cooperative Association" means an association of individuals organized pursuant to state, federal or tribal law, for the purpose of owning and operating an economic enterprise for profit, with profits distributed or allocated to patrons who are members of the organization.

(t) "Corporation" means an entity organized pursuant to state, federal or tribal law, with or without stock, for the purpose of owning and operating an economic enterprise.

(u) "Partnership" means two or more persons engaged in the same business, sharing its profits and risks, and organized pursuant to state, federal, or tribal law.

§ 91.2 Kinds of loans.

Loans from the Indian Revolving Loan Fund shall be made for purposes which will improve and promote the economic development on Indian reservations.

(a) Loans may be made by the United States to eligible relending organizations for relending to members for economic enterprises and to eligible tribes for relending to members, eligible corporations, cooperative associations, partnerships and subordinate bands and for financing tribal economic enterprises, which will promote the economic development of a reservation and/or the group or members thereon. Loans made by tribes or relending organizations may be for the following purposes:

(1) To individual Indians or Natives, cooperative associations, corporations and partnerships, to finance economic enterprises operated for profit, the operation of which will contribute to the improvement of the economy of a reservation and/or the members thereon.

(2) To individual Indians or Natives for purposes of purchasing, constructing or improving housing on a reservation and to be occupied by the borrower.

(3) To individual Indians and Natives for purposes of obtaining a college or graduate education and degree in a field which will provide employment opportunities, provided that adequate funds are not available from sources such as grants, scholarships or other loan sources.

(4) To individual Indians and Natives for purposes of attending vocational schools which provide training in desired skills in a field in which there are employment opportunities, provided that adequate funds and/or training are not available from grant or scholarship sources, or federal or state training programs.

Loans may also be made by the United States to tribes for loaning to or investing in other organizations subject to the provisions in paragraph (d) of this section.

(b) Direct loans may be made by the United States to eligible tribes, individual Indians and Natives, corporations, partnerships or cooperative associations. Direct loans from the United States will be made for the following purposes:

(1) To eligible tribes, individual Indians, Natives, or associations thereof, corporations and partnerships, to finance economic enterprises operated for profit, the operation of which will contribute to the improvement of the economy of a reservation and/or the members thereon.

(2) To individual Indians and Natives for purposes of purchasing, constructing or improving housing on a reservation and to be occupied by the borrower.

(3) To individual Indians and Natives for purposes of obtaining a college or graduate education and degree in a field which will provide employment opportunities, provided that adequate funds are not available from sources such as grants, scholarships or other loan sources.

(4) To individual Indians and Natives for purposes of attending vocational schools which provide training in desired skills in a field in which there are employment opportunities, provided that adequate funds and/or training are not available from grants or scholarship sources or federal or state training programs.

(c) Before a United State direct loan is approved, the Commisioner may require the applicants to prepare a market and capacity report on existing or proposed economic enterprises for which financing is requested if the operation involves manufacturing, selling or providing services.

(d) Loans may be made to eligible tribes and Indian organizations for use in attracting industries and economic enterprises, the operation of which will contribute to the economy of a reservation. Tribes and Indian organizations may receive loans from the revolving loan fund for investment in or lending to other organizations regardless of whether they are organizations of Indians. However, not more than 50 percent of the loan made to an Indian organization may be used for the purpose of making a loan to or investing in other organizations. Applications for loans to provide funds for lending to or investing in other organizations already in operation will be accompanied by: (1) audited balance sheets and operating statements of the other organization for the immediate three preceding years; (2) pro forma operating statement and balance sheets for the succeeding three years reflecting the results of operations after injection of the additional funds; (3) names of owners or if a corporation and stock has been issued, names of major stockholders and shares of stock owned by each; (4) a copy of the articles of incorporation and bylaws, if incorporated, or other organization papers if not incorporated; (5) names of members of the board of directors and officers with

a resume of education and experience, and the number of shares of stock owned by each in the corporation; (6) purposes for which loan or investment will be used; and (7) if for manufacturing, selling or providing services, a market and capacity report will be prepared. If a proposed operation is to be established, the information in subparagraphs (2) through (7) of this paragraph will be furnished. The Commissioner may require additional information on the other organization, if needed, to adequately evaluate the benefits which the Indian organization will receive and the economic benefits which will accrue to a reservation. If the loan is for relending to another organization, the application must show what security is being offered. If the loan is for investment in another organization, the equity to be obtained must be shown. Copies of all agreements, contracts or other documents to be executed by the Indian organization and the other organization in connection with a loan or investment shall be submitted with the application for a loan and will require Commissioner approval prior to disbursement of loan funds to the Indian organization.

§ 91.3 Eligible borrowers under United States direct loan program.

(a) Loans may be made from the revolving loan fund to eligible tribes and relending organizations, and corporations, cooperative associations and partnerships, having a form of organization satisfactory to the Commissioner. Individual Indians and Natives who are members of tribes which are not making loans to its members and are not members of or eligible for membership in an organization which is making loans to its members, are eligible for United States direct loans. Loans may be made to applicants only when, in the judgment of the Commissioner, there is a reasonable prospect of repayment. Loans may be made only to an applicant who, in the opinion of the Commissioner, is unable to obtain financing on reasonable terms and conditions from other sources such as banks, Farmers Home Administration, Small Business Administration, Production Credit Associations, Federal Land Banks, and is also unable to obtain a guaranteed or insured loan pursuant to Title II of the Indian Financing Act of 1974 (88 Stat. 77).

(b) The establishment of a United States direct revolving loan program on a reservation(s) for making direct loans will require the approval of the Commissioner. All requests for establishing a United States direct revolving loan program on a reservation will be accompanied by reasons for need, estimate of financing needs, and other sources of financing available to meet the needs. The Commissioner, in approving a United States direct loan program, may require the preparation and approval of a plan of operation for conducting the program.

(c) If local lending conditions and/or the information in an application for a loan indicate a probability that an applicant may be able to obtain the loan from other sources, the Commissioner, before approving a United States direct loan, will require the applicant to furnish letters from two customary lenders in the area who are making loans for similar purposes, stating whether or not they are willing to make a loan to the applicant for the same purposes and amount. If a customary lender will make the loan on reasonable terms and conditions, the Commissioner will not approve a United States direct loan.

§ 91.4 Applications.

An applicant for a United States direct loan or a loan from a relending organization conducting a relending program under this Part will submit an application on a form approved by the Commissioner. Applications will indicate the amount of the loan requested, purposes for which loan funds will be used, security to be offered, the period of the loan, assets and liabilities of the applicant, procedures to be followed in handling loan proceeds, repayment of the loan, budgets reflecting income and expenditures of the applicant, and any other information required to adequately evaluate the application. In addition, applications for loans to finance economic enterprises already in operation will be accompanied by: (a) a copy of operating statements, balance sheets and budgets for the prior two operating years or applicable period thereof preceding submittal of the application; (b) current budget, balance sheet and operating statements; and (c) pro forma budgets, operating statements and balance sheets showing the estimated results for operating the enterprise for two years after injection of the loan funds into the operation. A résumé of the applicant's management experience will be submitted with the application. Applications for loans and requests for advance of tribal trust funds for relending under the provisions of this Part shall be accompanied by a declaration of policy and plan of operation or other acceptable plan for conducting the program. Applications for loans or modifications thereof, to establish, acquire, operate, or expand an economic enterprise shall be accompanied by a plan of operation. Declarations of policy or other plans for conducting a relending program and plans of operation for economic enterprises require the approval of the Commissioner before becoming effective. An application from a corporation, partnership or cooperative association, for a United States direct loan or a loan under a relending program for financing an economic enterprise must, in addition to financial statements and budgets, include a copy of documents establishing the entity, or the proposed documents to be used in establishing it.

§ 91.5 Approval of loans.

(a) Loan agreements, including those used by relending organizations in operating a relending program, must be executed on a form approved by the Commissioner. On direct United States loans, the Commissioner will approve the loan by issuing a commitment order covering the terms and conditions for making the loan.

(b) Applications for loans from relending organizations must be approved, if a tribe, by the governing body or designated committee, or other approving committee or body authorized to act on credit matters for a relending organization, before the Commissioner takes action on the application. This designated governing body of the tribe or committee must be authorized to act on behalf of the relending organization as evidenced in the organization's declaration of policy and plan of operation.

(c) Corporations, partnerships and cooperative associations organized for the purpose of establishing, acquiring, expanding, and operating an economic enterprise shall be organized pursuant to federal, state or tribal law. The form of organization shall be acceptable to the Commissioner. Economic enterprises which are or will be operated on a reservation(s) must comply with the requirements of applicable rules, resolutions and ordinances enacted by the governing body of the tribe.

§ 91.6 Modification of loans.

(a) *United States direct loans.* Any modification of the terms and provisions of a United States direct loan agreement must be requested in writing by the borrower and approved by the Commissioner. The borrower will submit the request for modification and will indicate the section(s) of the loan agreement to be modified together with a justification for the modification. Requests for modifications of loan agreements will include an agreement to abide by the provisions of the regulations in this Part and future amendments and modifications thereof.

(b) *Relending program.* Any modification of the terms and provisions of a loan agreement of a borrower from an organization conducting a relending program must be in writing, agreed to by the borrower, and must be approved by the body authorized to act on loans and modifications thereof as provided in an approved declaration of policy and plan of operation or other plan. If a request for modification of a loan has been disapproved by the body authorized to act on the request, the rejected borrower may request the Commissioner to make a direct loan from the revolving loan fund if the Commissioner determines that the rejection is unwarranted.

§ 91.7 Management and technical assistance.

Concurrent with the approval of a United States direct loan to finance an economic enterprise, the Commissioner will assure under Title V of the Indian Financing Act of 1974 that competent management and technical assistance is available to the borrower consistent with the borrower's knowledge and experience and the nature and complexity of the

economic enterprise being financed. Assistance may be provided by available Bureau of Indian Affairs staff, other government agencies, including states, the tribe or other sources which the Commissioner considers competent to provide needed assistance. Contracting for management and technical assistance may be used only when adequate assistance is not available without additional cost. Contracts for providing borrowers with competent management and technical assistance shall be in accordance with applicable Federal Procurement Regulations and the Buy Indian Act of April 30, 1908, chapter 153 (35 Stat. 71), as amended June 25, 1910, chapter 431, section 25 (36 Stat. 861).

§ 91.8 Environmental and Flood Disaster Acts.

Loans will not be approved until there is assurance of compliance with any applicable provisions of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, 87 Stat. 975), the National Environmental Policy Act of 1969 (Pub. L. 91-190), (42 U.S.C. 4321) and Executive Order 11514.

§ 91.9 Preservation of historical and archaeological data.

(a) On United States direct loans from the revolving loan fund and modifications thereof to provide additional loan funds which will involve excavations, road or street construction, land development or disturbance of land on known or reported historical or archaeological sites, the Commissioner will take or require appropriate action to assure compliance with the applicable provisions of the Act of June 27, 1960 (74 Stat. 220; (16 U.S.C. 469)), as amended by the Act of May 24, 1974 (Pub. L. 93-291, 88 Stat. 174).

(b) On loans made by relending organizations conducting a relending program using revolving loan funds, the body authorized to act on loan applications and modifications thereof will, at the time of taking action on a loan or request for modification, inform the applicant of the applicability of this Act to the loan and advise the Commissioner of compliance or the need to obtain compliance.

§ 91.10 Federal Reserve Regulation Z and Fair Credit Reporting Act.

(a) United States direct loans and loans made by a relending organization are subject to the provisions of Federal Reserve Regulation Z (Truth In Lending, 12 CFR Part 226; Pub. L. 91-508, 84 Stat. 1127). Economic enterprises which extend credit and require payment of finance charges on unpaid balances will determine the applicability of Regulation Z and comply with the requirements thereof. The Commissioner will issue any necessary instructions to assure compliance with Regulation Z on United States direct loans.

(b) Relending organizations, through their committee or other body authorized to act on loan matters on its behalf, will assure compliance with the applicable provisions of this Act.

(c) The Commissioner will require adherence to the provisions and requirements of Title VI of the Fair Credit Reporting Act in making United States direct loans. Relending organizations, through the body authorized to act on credit matters, will require compliance with the requirements of the Fair Credit Reporting Act.

§ 91.11 Interest.

(a) The interest to be charged on loans by the United States shall be at a rate determined by the Secretary of the Treasury in accordance with section 104, Title I, of the Indian Financing Act of 1974 (Pub.L. 93-262, 88 Stat. 77). The interest rate shall be determined monthly and shall be effective on advances made on loans during the current calendar month. The interest rate shall be stated in the promissory note(s) executed by the borrower(s) evidencing the advance(s).

(b) Additional charges to cover loan administration costs may be determined and charged borrowers.

(c) Educational loans may provide for waiver of interest accruals while the borrower is in school or in military service. Interest shall start on the first day of the month following one year from the date of completion of the educational course or receipt of a degree for which the loan was made. If the course is not completed, interest shall start on the first day of the month following the date the borrower drops out of school. For borrowers in the military service, interest will start on the first day of the month following discharge from service, or following completion of his or her initial enlistment term or four years, whichever is less. Military service for the purpose of this paragraph does not include activities or service in a reserve unit or National Guard which is intermittent or of a duration of less than six months.

(d) The interest rate on loans made by relending organizations which are conducting relending programs shall not be less than the rate the organization pays on its loan(s) from the United States. Relending organizations which adopt and follow the same procedure in calculating interest on educational loans as is followed on educational loans made by the United States, will not be charged interest on loans from the United States on the amount outstanding on educational loans during the period the organization is not charging its borrowers interest.

(e) Interest rates on loan advances made by the United States as shown on promissory notes dated before April 12, 1974, will remain in effect until the loan is paid in full, refinanced, or modified to extend the repayment terms. Unless otherwise specifically provided in a loan contract, the interest rate on advances made after April 12, 1974, will be at a rate determined pursuant to section 104 of Title I of the Indian Financing Act of 1974. The interest rate on loans for expert assistance will be at a rate established in § 91.25 herein.

§ 91.12 Records and reports.

Loan agreements between the United States and tribes, corporations, partnerships, cooperative associations and individual Indians for financing economic enterprises, and to relending organizations, will require that borrowers establish and maintain accounting and operating records that are satisfactory to the Commissioner and submit written reports as required by the Commissioner. The records, accounts, and loan files shall be available for examination and audit by the Commissioner at any reasonable time. Unless an exception is approved by the Commissioner, borrowers will be required to have an annual audit made of the records of relending programs and economic enterprises financed with revolving loan funds, by a certified public accountant or a firm of certified public accountants or other qualified public accountants satisfactory to the Commissioner.

§ 91.13 Security.

(a) United States direct loans shall be secured by such security as the Commissioner may require. A lack of security will not preclude the making of a loan if the proposed use of the funds is sound and the information in the application and supporting papers correctly show that expected income will be adequate to pay all expenses and the loan principal and interest payments, indicating reasonable assurance that the loan will be repaid. Loans made by relending organizations conducting a relending program using revolving loan funds will require borrowers to give security for loans, if available, but the absence of security will not preclude the making of a loan if the proposed use of the funds is sound and the information in the application and supporting papers correctly show that expected income will be adequate to pay all expenses and the loan principal and interest payments, indicating reasonable assurance that the loan will be repaid. The declaration of policy and plan of operation of relending organizations conducting relending programs will include provisions covering the type and amount of security to be taken to secure loans made.

(b) Land purchased by an individual Indian with the proceeds of a loan and land already held in trust or restricted status by the individual Indian may be mortgaged as security for a loan in accordance with 25 CFR 121.34 and the Act of March 29, 1956 (70 Stat. 62; (25 U.S.C. 483a)). Mortgages of individually held trust or restricted land will include only an acreage of the borrower's land which the Commissioner determines is necessary to protect the loan in case of default. On proposed foreclosures which involve the sale of individually held trust or restricted land given as security for a loan, the tribe of the reservation on which the land is located will be notified in writing at least thirty calendar days

in advance of the anticipated date of sale. Land purchased by a tribe with the proceeds of a loan from the revolving loan fund with title taken in a trust or restricted status, and land already held in a trust or restricted status by a tribe may not be mortgaged as security for a loan.

(1) Title to any land purchased by a tribe or by an individual Indian with revolving loan funds may be taken in trust or restricted status unless the land is located outside the boundaries of a reservation or a tribal consolidation area approved by the Secretary. Title to any land purchased by a tribe or an individual Indian which is outside the boundaries of a reservation or approved consolidation area may be taken in trust if the purchaser was the owner of trust or restricted interests in the land before the purchase. Otherwise, title shall be taken in the name of the purchaser without any restrictions on alienation, control, or use.

(c) Mortgages of leasehold interests in land held in trust or restricted status by an individual Indian, may be taken for the purpose of borrowing capital for the development and improvement of the leased premises when permitted in the lease or lease modification agreement. Such mortgages must be approved by the lessor and Commissioner. (70 Stat. 62 (25 U.S.C. 483a)).

(d) Individuals may give assignments of income from trust property as security for loans. Tribes may give assignments of trust income as security for loans provided that the assignment shall be specific as to the source(s) of income being assigned. All assignments of trust income require approval by the Commissioner before becoming effective.

(e) Chattels may be given as security for a loan. A mortgage on chattels, the title to which is known to be in trust, requires Commissioner approval. Non-trust chattels may be mortgaged without approval of any federal official.

(f) Crops grown on lands held in trust or restricted status for the benefit of an individual Indian may be given as security for a loan when approved by the Commissioner. Crops grown on leased, trust or restricted land may be given as security for a loan when permitted by the provisions of a lease or when the owner gives written consent. Approval of the lien document by the Commissioner is required. Crops grown on trust or restricted land held by a tribe which has been assigned to an individual for use may be given as security for a loan, provided the terms of the assignment permit the assignee to give the crops as security for a loan or the tribe's governing body specifically gives consent. The lien document requires Commissioner approval. Crops grown on non-trust or non-restricted land may be mortgaged without the approval of any federal official.

(g) Title to any personal property purchased with a loan shall be taken in the name of the purchaser and mortgaged to secure the loan unless the loan is otherwise adequately secured. Tribes must adhere to the provisions of their constitutions and bylaws, corporate charters, or other organizational documents when mortgaging tribal property and assigning trust income as security for loans.

(h) Relending organizations receiving a loan from the United States for relending shall be required to assign to the United States as security for the loan all securities acquired in connection with loans made to its members, sub-organizations, or associations from such funds, unless the Commissioner determines that repayment of the loan to the United States is otherwise reasonably assured. Funds advanced to finance a tribal economic enterprise shall be secured by an assignment of net income and net assets of the economic enterprise, unless the Commissioner determines that it is not feasible to require an assignment or that repayment of the loan to the United States is otherwise reasonably assured.

(i) Securing documents or financing statements shall be filed or recorded in accordance with applicable state or federal laws except for those customarily filed in Bureau of Indian Affairs offices. Mortgages on documented vessels will be filed at the customs house designated as the home port of the vessel as shown on the marine document.

§ 91.14 Maturity.

The maturity of any United States direct loan shall not exceed thirty years. Loans made will be scheduled for repayment at the earliest possible date consistent with the purpose of the loan and the repayment capacity of the borrower.

§ 91.15 Penalties on default.

Unless otherwise provided in the loan agreement between the United States and a borrower, failure on the part of a borrower to conform to the terms of the loan agreement will be deemed grounds for the taking of any one or all of the following steps by the Commissioner:

(a) Discontinue any further advance of funds contemplated by the loan agreement.

(b) Take possession of any or all collateral given as security and in the case of individuals, corporations, partnerships or cooperative associations, the property purchased with the borrowed funds.

(c) Prosecute legal action against the borrower or against officers of corporations, tribes, bands, credit associations, cooperative associations, and other organizations.

(d) Declare the entire amount advanced immediately due and payable.

(e) Prevent further disbursement of credit funds under the control of the borrower.

(f) Withdraw any unobligated funds from the borrower.

(g) Require relending organizations conducting a relending program to apply all collections on loans to liquidate the debt to the United States.

(h) Take possession of the assets of a relending organization conducting a relending program and exercise or arrange to exercise its powers until the Commissioner has received acceptable assurance of its repayment of the revolving loan and compliance with the provisions of the terms of the loan agreement.

(i) Liquidate, operate or arrange for the operation of economic enterprises financed with revolving loans made to individuals, tribes, corporations, partnerships and cooperative associations until the indebtedness is paid or until the Commissioner has received acceptable assurance of its repayment and compliance with the terms of the loan agreement.

§ 91.16 Default on loans made by relending organizations.

Relending organizations conducting relending programs using revolving loan funds will follow prudent lending practices in making and servicing loans and take appropriate actions to protect their interests in the security given to secure repayment of loans. Declarations of policy and plans of operation shall include procedures which will be followed in acting to correct a default, such as modification of loan agreement or foreclosure and liquidation of security. Relending organizations employing a general counsel will refer legal questions on foreclosure procedures and sale of security to their counsel.

§ 91.17 Uncollectible loans made by the United States.

If the Secretary determines that a United States direct loan is uncollectible in whole or in part or is collectible only at an unreasonable cost or when such actions would in his judgment be in the best interest of the United States, he may cancel, adjust, compromise, or reduce the amount of any loan or any portion of any loan made from the revolving loan fund. The Commissioner may adjust, comprise, subordinate or modify the terms of any mortgage, lease, assignment, contract, agreement or other document taken as security for loans. The cancellation of all or part of a loan shall be effective only after the following steps have been taken:

(a) The Secretary submits to the Congress a report on adjustments made during the preceding fiscal year with recommendations for cancellations for the current fiscal year.

(b) Congress by concurrent resolution approves the cancellation within sixty legislative days after receipt of the report and recommendations or,

(c) Congress does not take action approving or disapproving the cancellation within sixty legislative days after receipt of the report.

(47 Stat. 564 (25 U.S.C. 386a))

§ 91.18 Uncollectible loans made by relending organizations.

(a) Relending organizations conducting relending programs using revolving loan funds may, when approved by the Commissioner, charge off as uncollectible all or part of the balance of principal and interest owing on loans which are considered to be uncollectible. Usually a charge off includes both principal and interest and provides for cessation of in-

terest accruals on the principal balance owing as of the date of the charge off.

(b) Action to charge off a loan will be in the form of a resolution enacted by the committee or body authorized and responsible for actions on loan matters for the relending organization. Before action is taken to charge off a loan as uncollectible, the lender will make an effort, to the extent feasible, to liquidate the security given for a loan and apply the net proceeds as a repayment on the balance of principal and interest owed. The charge off of a loan by a relending organization as uncollectible will not reduce the principal balance owed to the United States. A charge off will not release the borrower of the obligation or the responsibility to make payments when his or her financial situation will permit. Charge off action will not release the lender of responsibility to continue its efforts to collect the loan.

§ 91.19 Assignment of loans.

A borrower of a direct loan from the United States may not assign the loan agreement or any interest in it to a third party without the consent of the Commissioner. Relending organizations which are conducting relending programs may not assign the loan agreements of borrowers, or any interest therein, to third parties without the approval of the Commissioner and the borrower.

§ 91.20 Tribal funds.

(a) Tribal trust funds may be advanced to tribes when authorized by Congress, requested by the governing body, and approved by the Commissioner for the establishment, operation or expansion of economic enterprises and for relending in accordance with paragraphs (b) and (c) of this section and § 91.21 herein. No interest shall be paid to the United States on such funds. The Commissioner may require the tribe to prepare a plan of operation for the enterprise and a plan establishing the policies and procedures for making loans to members from tribal funds.

(b) Support loans may be made to old, indigent or disabled members and loans may be made to cover burial expenses of members when there is reasonable assurance that the loans will be repaid. Interest may be waived on such loans. These loans, unless otherwise authorized by the Commissioner, shall be accounted for separately by the tribe and administered under a separate plan of operation from the plans governing housing, business, education and agricultural loans.

(c) In order for individuals to be eligible for loans from tribal funds, they must be members of the tribe to which the funds belong.

(d) Failure of a tribe to use tribal funds advanced under paragraph (a) of this section in accordance with the regulations and purposes for which requested shall be grounds for any or all of the following steps to be taken by the Commissioner:

(1) Discontinue further advance of funds requested.

(2) Require that the entire amount advanced be returned to the Treasury.

(3) Prevent further disbursement of tribal funds in the account of an economic enterprise or tribal relending program under the control of the tribe.

(4) Withdraw any unobligated funds from the tribe and deposit the same in the Treasury.

(5) Require that all repayments on loans made by the tribe be used to replace funds advanced to the tribe from the Treasury.

(6) In the case of tribal economic enterprises operated with tribal funds, liquidate, operate or arrange for the operation of the enterprise until all tribal trust funds advanced to the tribe have been replaced in the tribe's United States Treasury account, or until the Commissioner has received acceptable assurance that the funds will be replaced or that the enterprise will be operated in a manner satisfactory to him.

§ 91.21 Relending by borrower.

(a) A relending organization may reloan funds loaned to it by the United States with the approval of the Commissioner. The Commissioner may authorize such lenders to approve applications for particular types of loans up to a specified amount.

(b) Loans shall be secured by such securities as the lender and the Commissioner may require. With the Commissioner's approval, mortgages of individually held trust or restricted land, leasehold interests, chattels, crops grown on trust or restricted land, and assignments of trust income may all be taken as security for loans.

(c) Title to personal property purchased with loans received from relending organizations using revolving loan funds in its relending program shall be taken in the name of the borrower.

(d) The term of a loan made by a relending organization conducting a relending program shall not extend beyond the maturity date of its loan from the United States, unless an exception is approved by the Commissioner and the organization has funds available from which to make scheduled repayment on its loan from the United States. Loans made will be scheduled for repayment at the earliest possible date consistent with the purpose for which a loan is made and the indicated repayment capacity of the borrower.

(e) When a relending organization making loans to its members from moneys borrowed from the United States rejects a loan application from an eligible member, the Commissioner may, in his discretion, make a direct loan from the revolving fund to the applicant if he determines the rejection is unwarranted. In making this determination, the Commissioner will review in detail the reasons why the organization rejected the application; the soundness and feasibility of the applicant's proposal; the applicant's repayment ability, industry and work habits; whether the applicant can obtain licenses or permits required by the tribe; and assurance that the applicant has or can obtain the use of land required, if a loan is approved.

(f) Securing documents or financing statements shall be filed or recorded in accordance with federal or state law except those customarily filed in Bureau of Indian Affairs offices. Mortgages on documented vessels will be filed at the custom house designated as the home port of the vessel as shown on the marine document.

§ 91.22 Repayments on United States direct loans.

Repayments on United States direct loans shall be made to the authorized collection officer of the Bureau of Indian Affairs who shall issue an official receipt for the repayment and deposit the collection into the revolving loan fund. Collections will first be applied to pay interest to date of payment and the balance applied on the principal installment due. Collections on loans made by relending organizations which have been declared in default in which the Commissioner has taken control of the assets of the program (including loans made with balances owing) will be made to an authorized collection officer of the Bureau of Indian Affairs who shall issue a receipt to the payor and deposit the collection in the United States revolving loan fund. The relending organization's loan from the United States will be credited with the amounts collected from its borrowers, with the collections applied first on interest accrued and the balance applied to the principal. Payments on United States direct loans may be made in advance of due dates without penalty.

§ 91.23 Repayments on loans made by relending organizations.

Repayments on loans made by a relending organization conducting a relending program will be made to the officers of the lending organization or individuals designated and authorized in a declaration of policy and plan of operation. Collections on loans and other income to a relending program will be deposited in the lender's revolving loan account as designated in a declaration of policy and plan of operation. Collections on loans will be first applied to pay interest to date of payment with the balance applied to the principal.

§ 91.24 Approval of articles of association and bylaws.

Articles of association and bylaws of relending organizations and cooperative associations require approval of the Commissioner if they make application for a revolving credit loan.

§ 91.25 Loans for expert assistance for preparation and trial of Indian claims.

(a) Loans may be made to Indian tribes, bands and other identifiable groups of Indians from funds authorized and appropriated under the provisions of section 1 of the Act of November 4, 1963 (Pub. L. 88–168, 77 Stat. 301; 25 U.S.C. 70n–1), as amended by the Act of September 19, 1966 (Pub. L. 89–592, 80

Stat. 814) and section 2 of the Act of May 24, 1973 (Pub. L. 93-37, 87 Stat. 73). Loan proceeds may only be used for the employment of expert assistance, other than the assistance of counsel, for the preparation and trial of claims pending before the Indian Claims Commission. Applications for loans will be submitted on forms approved by the Commissioner and shall include a justification of the need for a loan. The justification shall include a statement from the applicant's claims attorney regarding the need for a loan. The application will be accompanied by a statement signed by an authorized officer of the applicant certifying that the applicant does not have adequate funds available to obtain and pay for the expert assistance needed. The Superintendent and the Area Director will attest to the accuracy of the statement or point out any inaccuracies. Loans will be approved by issuance of a commitment order by the Commissioner.

(b) No loan shall be approved if the applicant has funds available on deposit in the United States Treasury or elsewhere in an amount adequate to obtain the expert assistance needed or if, in the opinion of the Commissioner, the fees to be paid the experts are unreasonable on the basis of the services to be performed by them.

(c) Contracts for the employment of experts are subject to the provisions of 25 U.S.C. 81 and require approval by the Commissioner.

(d) Vouchers or claims submitted by experts for payment for services rendered and reimbursment for expenses will be in accordance with the provisions of the expert assistance contract and shall be sufficiently detailed and itemized to permit an audit to determine that the amounts are in accordance with the contract. Vouchers or claims shall be reviewed by the borrower's claims attorney who will certify on the last page of the voucher or by attachment thereto, that the services have been rendered and payment is due the expert and that expenses and charges for work performed are in accordance with the provisions of the contract.

(e) Requests for advances under the loan agreement shall be accompanied by a certificate signed by an authorized officer of the borrower certifying that the borrower does not have adequate funds available from its own financial resources with which to pay the expert. The Superintendent and Area Director will attest to the accuracy of the statement or point out inaccuracies. A copy of the voucher or claim from the expert will accompany the request for advance.

(f) Loan funds will be advanced only as needed to pay obligations incurred under approved contracts for expert assistance. The funds will be deposited in a separate account, shall not be commingled with other funds of the borrower, and shall not be disbursed for any other purpose.

(g) Loans shall bear interest at the rate of 5½ percent per annum from the date funds are advanced until the loan is repaid.

(h) The principal amount of the loan advanced plus interest shall be repayable from the proceeds of any judgment received by the borrower at the time funds from the award become available to make the payment.

(77 Stat. 301 (25 U.S.C. 70n-1 to 70n-7))

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-2106 Filed 1-22-75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

PART 1925—SAFETY AND HEALTH STANDARDS FOR FEDERAL SERVICE CONTRACTS

Recordkeeping Requirements

Pursuant to authority in the Service Contract Act of 1965 (41 U.S.C. 351 et seq.) and in Secretary of Labor's Order No. 12-71 (36 FR 8754), § 1925.3 of Title 29, Code of Federal Regulations, is revised in order to provide uniformity in the recordkeeping requirements of both the McNamara-O'Hara Service Contract Act (41 U.S.C. 351 et seq.) and the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

Good cause is found for not providing notice and public procedure concerning this amendment. Notice and public procedure are found unnecessary because Federal Service contractors who were already required to comply with the recordkeeping requirements of the Occupational Safety and Health Act, are by this amendment relieved of maintaining duplicative records. For the above reason also, this amendment does not increase the obligation of persons affected thereby and accordingly shall become effective January 23, 1975.

Section 1925.3 of Title 29, Code of Federal Regulations, is revised to read as follows:

§ 1925.3 Records.

Every contractor or subcontractor shall comply with the recordkeeping requirements of 29 CFR Part 1904.

(Sec. 4, 79 Stat. 1034, 86 Stat. 789 (41 U.S.C. 351 et seq.))

Signed at Washington, D.C. this 16th day of January, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-2126 Filed 1-22-75;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Colorado Plan—Approval of Revised Developmental Schedule

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On September 12, 1973, a notice was published in the FEDERAL REGISTER (38 FR 25172) of the approval of the Colorado plan and of the adoption of Subpart M of Part 1952 containing the decision. On April 10, 1974, the State of Colorado submitted a supplement to its plan which contained a revised developmental schedule. On July 2, 1974, a notice was published in the FEDERAL REGISTER (39 FR 24376) concerning the submission of the supplement to the Assistant Secretary for Occupational Safety and Health and the fact that the question of approval was in issue before him. On December 11, 1974, the State submitted a further revision and clarification of the developmental schedule which differed in some respects from the one submitted on April 10, 1974, and published in the FEDERAL REGISTER in July.

2. *Issues.* Section 1952.193 of Subpart M sets forth the developmental schedule under which the plan will meet the criteria of section 18(c) of the Act and Part 1902 within three years following commencement of the plan's operations. The supplement to the plan concerns a developmental schedule which has been revised because standards and regulations were not promulgated by the State as soon as anticipated. The Colorado Occupational Safety and Health Standards Board which is responsible for the development of standards, regulations concerning variances and rules of procedure for review of appeals and citations was not appointed by the Governor until December 1973.

In addition the proposed Colorado standards had not received approval by the Assistant Secretary. Fifty days after its first meeting, the Board temporarily adopted all Federal standards in effect as of March 1, 1974. Accordingly, enforcement operations under the Colorado plan did not commence until that date.

As approved, the Colorado plan contained a clarification dated February 16, 1973, that a decision concerning a Management Information System would be made by June 30, 1974. The State had advised that the delay in the commencement of enforcement operations has shortened the reporting experience upon which to develop the Management Information System and requested an extension of the time for implementation of the system to December 31, 1974. The State also advised this Department that it would submit a public employee plan by June 1, 1974, and begin implementation of the plan within 45 days after approval. The State further requested a revision of its developmental schedule to delay assuming jurisdiction over agriculture until after extensive State-wide hearings on a complete set of standards for agriculture and ranching operations.

No public comments were submitted concerning the plan change. The December revision of the developmental schedule eliminates the contingent date for the implementation of the public em-

ployee program and the promulgation and implementation of agricultural standards. It also provides for adoption of all Federal standards contained in 29 CFR Part 1910 (except for the maritime standards in §§ 1910.13 through 1910.16) and 29 CFR Part 1926, instead of the promulgation of permanent State standards, and extends the date to June 30, 1975, for development and implementation of a Management Information System. These revisions and clarifications do not substantively affect the State's commitments as proposed in the notice of July 2, 1974. (39 FR 24376).

3. *Location of the plan and its supplement for inspection and copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room 850, 1726 M Street, NW., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 15010, Post Office Box 3588, 1961 Stout Street, Denver, Colorado 80202; and the Office of the Director of Labor, Department of Labor and Employment, 200 East Ninth Avenue, Denver, Colorado 80203.

4. *Decision.* After careful consideration, the revised developmental schedule for Colorado is approved under Part 1953. It has been determined that there are reasonable assurances that the State will complete the steps contained in the schedule within the three year development period. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. Accordingly, § 1952.193 in Subpart M of Part 1952 is amended as follows:

§ 1952.193 Developmental schedule.

The Colorado State plan is developmental. The following is the developmental schedule as amended and provided by the plan:

(a) Adoption of all Federal standards contained in 29 CFR Part 1910 (except for the maritime standards in §§ 1910.13 through 1910.16) and 29 CFR Part 1926 by August 1974.

* * * * *

(c) A public employee occupational safety and health program will be implemented in two stages: (1) Education and Technical Assistance Activities by January 1, 1975; and (2) Enforcement and Inspection Activities by February 1, 1975.

* * * * *

(f) Development and implementation of a Management Information System by June 30, 1975.

(g) Promulgation and enforcement of agricultural standards by July 1, 1975.

(h) Submission of amendments to the Colorado enabling legislation to the 1975 Session of the Colorado General Assembly.

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C. this 16th day of January 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-2127 Filed 1-22-75;8:45 am]

CHAPTER XX—OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

PART 2200—RULES OF PROCEDURE

Deletion of Existing § 2200.34 and Substitution of a New § 2200.34

The Occupational Safety and Health Review Commission has determined that it is appropriate to delete the existing § 2200.34 dealing with petitions for modification of abatement period and to substitute therefor a new section with the same number dealing with the same topic. Since notice and public procedure are not required under 5 U.S.C. 553 with respect to the amendment or change of procedural rules of the Occupational Safety and Health Review Commission, public comments are not being solicited on this change.

The practical effect of the change is to shift the responsibility of processing uncontested petitions for modification of the abatement requirements of a citation (29 U.S.C. § 659(c)) from this Commission to the Secretary of Labor. Contested cases will continue to be filed, docketed and processed by the Commission.

The hereinafter described changes to the Rules of Procedure shall become effective on February 18, 1975, and shall apply to all P.M.A.'s filed thereafter.

The action of the Commission is as follows: (1) Section 2200.34 as previously adopted on September 28, 1972, and published in the FEDERAL REGISTER of that date at 37 FR 20240, is hereby deleted in its entirety and the following is substituted in place thereof.

§ 2200.34 Petitions for modification of abatement period.

(a) An employer may file a petition for modification of abatement date when such employer has made a good faith effort to comply with the abatement requirements of a citation, but such abatement has not been completed because of factors beyond the employer's reasonable control.

(b) A petition for modification of abatement date shall be in writing and shall include the following information:

(1) All steps taken by the employer, and the dates of such action, in an effort to achieve compliance during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard the employees against the cited hazard during the abatement period.

(c) A petition for modification of abatement date shall be filed with the Area Director of the United States Department of Labor who issued the citation no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay.

(1) A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near each location where the violation occurred. The petition shall remain posted for a period of ten (10) days.

(2) Affected employees or their representatives may file an objection in writing to such petition with the aforesaid Area Director. Failure to file such objection within ten (10) working days of the date of posting of such petition shall constitute a waiver of any further right to object to said petition.

(3) The Secretary or his duly authorized agent shall have the authority to approve any petition for modification of abatement date filed pursuant to subparagraphs (b) and (c). Such uncontested petitions shall become final orders pursuant to sections 10 (a) and (c) of the Act.

(4) The Secretary or his authorized representative shall not exercise his approval power until the expiration of fifteen (15) working days from the date the petition was posted pursuant to paragraphs (c) (1) and (2) by the employer.

(d) Where any petition is objected to by the Secretary or affected employees, such petition shall be processed as follows:

(1) The petition, citation and any objections shall be forwarded to the Commission within three (3) working days after the expiration of the fifteen (15) day period set out in paragraph (c)(4).

(2) The Commission shall docket and process such petition in the same manner as any other contested case, except that all hearings on such petitions shall be handled in an expeditious fashion.

(3) An employer petitioning for a modification of abatement period shall have the burden of proving in accordance with the requirements of 29 U.S.C. § 659 (c), that such employer has made a good faith effort to comply with the abatement requirements of the citation and that abatement has not been completed because of factors beyond the employer's control.

(4) Within ten (10) working days after the receipt of notice of the docketing by the Commission of any petition for modification of abatement date, each objecting party shall file a response setting

forth the reasons for opposing the granting of a modification date different from that requested in the petition.

(Sec. 12(g), Pub. L. 91-596, 84 Stat. 1604 (29 U.S.C. § 661(f)))

For the Commission.

Dated: January 20, 1975.

[SEAL] WILLIAM S. MCLAUGHLIN,
Executive Secretary.

[FR Doc.75-2146 Filed 1-22-75;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 67—POSTAL SERVICE

Revision of Postal Regulation

This document provides for the continuation of mailing list correction services without charge to Government agencies in the Canal Zone. This revision will eliminate the fee for such services that is necessitated by the United States Postal Service Notice published in the FEDERAL REGISTER on January 19, 1973 (38 FR 1931). The fee established by the said notice applies to the Canal Zone due to its incorporation by reference pursuant to 35 CFR 67.46. The services in question are considered desirable and in the public interest; however, the revenue derived from the prescribed fee is minimal in the Canal Zone.

In 35 CFR Part 67, § 67.46 is revised to read as follows:

§ 67.46 Mailing List Services.

The provisions of 39 CFR relating to mailing list services are applicable to and within the Canal Zone, and to the Canal Zone Postal Service, with the exception that mailing lists submitted by Government agencies within the Canal Zone shall be corrected without charge.

Effective date: This revision is effective October 1, 1973.

(2 C.Z.C. 1131-1143, 76A Stat. 38-40)

Dated: January 9, 1975.

[SEAL] RICHARD L. HUNT,
Acting Governor of the Canal Zone.

[FR Doc.75-2114 Filed 1-22-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

[FRL 313-6]

PART 15-7—CONTRACT CLAUSES

Subpart 15-7.2—Cost Reimbursement Type Supply Contracts

Part 15-7, Contract Clauses, and Subpart 15-7.2, Cost Reimbursement Type Supply Contracts, are hereby added to Chapter 15, Title 41, of the Code of Federal Regulations.

On November 8, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 39584-39585) stating that the Environmental Protection Agency was considering adding paragraph (e) to § 15-7.202-22, Insurance—Liability to Third Persons. Interested parties were invited to submit written data, views, or objections. Comments were considered and we are adopting the regulation without change.

Effective date: This addition shall become effective January 23, 1975.

Dated: JANUARY 15, 1975.

JOHN QUARLES,
Acting Administrator.

1. Part 15-7, Contract Clauses, and Subpart 15-7.2, Cost reimbursement type supply contracts, are added to Title 41, Chapter 15 of the Code of Federal Regulations.

2. The following paragraph (e) is added to the clause entitled "Insurance—Liability to Third Persons" (FPR 1-7.202-22) and the clause with added paragraph (e) is made applicable to all cost reimbursement type research and development contracts.

§ 15-7.202-22 Insurance liability to third persons.

Insert the following clause in cost-reimbursement type supply contracts pursuant to the general policies set forth in Subpart 1-10.5. The clause may be supplemented to provide other types of coverage required by agency procedures.

INSURANCE—LIABILITY TO THIRD PERSONS

(e) The Contractor shall procure and maintain the following insurance: (1) When aircraft are used in the performance of the contract, aircraft public and passenger liability insurance, in such form, in such amounts, and for such periods of time as the Contracting Officer may require or approve; (2) at a minimum public liability insurance, on the comprehensive form of policy, in the amount of $200,000 per claimant and $500,000 per accident; (3) in jurisdictions where all occupational diseases are not compensable under applicable Workmen's Compensation Laws, insurance for occupational diseases is required under the employers' liability section of the insurance policy.

(40 U.S.C. 486(c), 63 Stat. 377 as amended)

[FR Doc.75-2080 Filed 1-22-75;8:45 am]

[FRL 310-4]

PART 15-12, LABOR

Chapter 15, Title 41, Code of Federal Regulations, is amended to add a new Part 15-12, Labor, and a new Subpart 15-12.6, Walsh-Healey Public Contracts Act. This new subpart provides contracting officers with a procedure for processing protests pertaining to the provisions of the Walsh-Healey Act.

It is the general policy of the Environmental Protection Agency to allow time for interested parties to participate in the rulemaking process. However, the public rulemaking process is deemed unnecessary in this instance, as the amendment herein contains administrative matters.

Effective date: This procedure will be effective on January 23, 1975.

Dated: January 13, 1975.

JOHN QUARLES,
Acting Administrator.

Title 41, Chapter 15 of the Code of Federal Regulations is amended by adding new Part 15-12 with Subpart 15-12.6 to read as follows:

Subpart 15-12.6—Walsh-Healey Public Contracts Act

Sec.
15-12.604 Responsibilities of contracting officers.
15-12.604-50 Determinations of eligibility of bidders and offerors.

AUTHORITY: The provisions of this Part 15-12 issued under 40 U.S.C. 486(c), sec. 205(c) 63 Stat. 390, as amended.

§ 15-12.604 Responsibilities of contracting officers.

§ 15-12.604-50 Determinations of eligibility of bidders and offerors.

(a) *Initial determination of eligibility.* The responsibility for applying the eligibility requirements set forth in § 1-12.601 of this title rests with the contracting officer. The Department of Labor does not conduct preaward investigations, nor render final determinations of eligibility until the contracting officer has gathered all the necessary evidence and initially determined whether the eligibility requirements have been met. When a contracting officer has determined that an apparently successful bidder or offeror is ineligible, he shall notify the bidder or offeror promptly in writing and inform it:

(1) That it does not meet the eligibility requirements and provide the reason(s) for ineligibility;

(2) That it may protest the determination and submit evidence of eligibility to the contracting officer; and

(3) That if after review of the evidence submitted, the contracting officer still deems the bidder or offeror ineligible, he will forward the protest, together with pertinent material to the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 for a final determination.

(b) *Protests by other bidders or offerors.* (1) *Before award.* (i) When another bidder or offeror challenges the eligibility of the apparently successful bidder or offeror prior to award, the contracting officer shall:

(A) Notify the protestant in writing that it may submit written evidence concerning the alleged ineligibility of the apparently successful bidder or offeror.

(B) Provide the apparently successful bidder or offeror with the written allegations of the protestant and inform it that it may submit evidence supporting its eligibility.

(C) Notify both the protestant and the apparently successful bidder or offeror that after reviewing all evidence submitted, the contracting officer shall make a decision and if that decision is adverse to the protestant, the protest to-

gether with all pertinent material will be forwarded to the Administrator, Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 for a final determination.

(D) Other bidders or offerors whose bids or offers might become eligible for award shall be notified when award is being withheld pending the disposition of a protest. Such bidders or offerors shall be requested to extend the acceptance period of their bids or offers.

(ii) Where a protest against award has been lodged no award shall be made unless the contracting officer determines that:

(A) The items to be procured are urgently required; or

(B) Delivery or performance will be unduly delayed by failure to make award promptly; or

(C) A prompt award will otherwise be advantageous to the Government. If award under paragraph (b)(1)(ii)(A), (B), or (C) of this section is contemplated, the contracting officer shall obtain the approval of the Director, Contracts Management, before proceeding with the award; the file shall be documented to explain the need for making an award prior to the receipt of a determination from the Department of Labor; and written notice of the decision to proceed shall be given to the Administrator, Wage and Hour Division, U.S. Department of Labor, the protestant, and to others concerned when appropriate.

(2) *After award.* A protest received after award shall be forwarded to the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, if the contract has not been completed. The protestant shall be notified of the submission to the Department of Labor. If the contract has been completed, the protestant shall be notified that no action shall be taken on the protest.

(c) *Protests involving other matters.* Protests involving other matters are covered by EPPR 15-2.407-8.

[FR Doc.75-2061 Filed 1-22-75;8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-25—GENERAL

Subpart 114-25.48—Reports

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subpart 114-25.48 of Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective on February 7, 1975.

Dated: January 15, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

Subpart 114-25.48 is amended as set forth below:

§ 114-25.4801 Supply Activity Report.

(a) Each bureau and office shall use GSA Form 1473 to submit the Supply Activity Report, except that negative reports may be submitted in memorandum form. Each report shall be submitted, in an original and two copies, to the Office of Management Services (PM) for transmittal to the General Services Administration.

(b) (1) Each bureau and office shall submit one set of reports;

(2) Each set of reports shall consist of a consolidated report for each bureau or office, together with

(3) Separate reports for each office which maintains an account for, or a record of, items which are received, stored, and issued from warehouses, depots, or other types of storage facilities.

(c) A Supply Activity Report is not required for any exceptions listed in FPMR 101-25.4801(c).

(d) Requests for approval of exceptions shall be submitted to the Director of Management Services (PM) for transmittal to the General Services Administration.

§ 114-25.4801-50 Responsibility for review.

Reports submitted by field offices shall be reviewed at the headquarters level of each bureau and office, and appropriate corrective action shall be initiated promptly in those instances where the review discloses a need for improvement in supply activities.

[FR Doc.75-2111 Filed 1-22-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20118; FCC 75-71]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 95—CITIZENS RADIO SERVICE

Memorandum Opinion and Order

In the matter of amendment of Parts 2 and 95 of the Commission's rules to prohibit external radio frequency power amplifiers at Class D Citizens Radio Service stations and to prohibit marketing of external radio frequency power amplifiers capable of operation in the band 26.96-27.26 MHz.

1. On January 3, 1975 (40 FR 1243), the Commission released a Report and Order which amended Parts 2 and 95 of the Commission's rules to prohibit external radio frequency power amplifiers at Class D Citizens Radio Service stations and to prohibit marketing of external radio frequency power amplifiers capable of operation in the band 26.96-27.26 MHz. Information which recently came to the Commission's attention establishes that one manufacturer of the amplifiers, in a bulletin to its retail outlets, has offered linear amplifiers "at a price intended to move them into the CB'ers hands prior to the February 12 deadline." The manufacturer states that its offer should "create good profits and give you a supply for the CB'ers last minute rush to buy."

2. This action and the possibility of similar actions by other manufacturers of linear amplifiers threaten to undermine the effectiveness of the amendments in Docket No. 20118. We stated in our Report and Order of January 3, 1975, that these proceedings were instituted because the rapidly increasing number of operators using external radio frequency power amplifiers to boost the power of their Citizens radio transmitters beyond the permissible limit posed a significant interference potential to Class D Citizens radio operations and to radio and television reception. Attempts under the existing rules have been ineffective in stopping the rising incidence of overpower operation in the Citizens Radio Service. Last minute sales of devices which may be used only for illegal purposes can only compound the problem which caused the institution of this proceeding.

3. In view of the foregoing, and pursuant to Section 553(d)(3) of the Administrative Procedure Act and § 1.427(b) of the Commission's rules, we find that good cause exists for amending the effective date of this rule (see paragraph 25) to make its provisions effective January 23, 1975, instead of February 12, 1975.

4. *Accordingly, it is ordered,* That paragraph 25 of Docket No. 20118 is amended to make the effective date January 23, 1975.

Adopted: January 21, 1975.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 164, 303)

Released: January 23, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-2226 Filed 1-22-75;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-105]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation to the Commandant of the Coast Guard

The purpose of this amendment is to delegate to the Commandant of the Coast Guard the functions vested in the Secretary by 14 U.S.C. 657, as amended by Pub. L. 93-430, October 1, 1974 (88 Stat. 1180). Those statutes authorize the Secretary to provide transportation to schools serving the area of a Coast Guard facility for dependents of Coast Guard personnel and to provide schooling for dependents of Coast Guard personnel stationed outside the continental United States when it is determined that schools available in the locality are inadequate.

Since this amendment relates solely to Departmental management, procedures

[1] Dissenting statement of Commissioner Hooks filed as part of original.

and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, in Part 1 of Title 49, Code of Federal Regulations, § 1.46, *Delegations to Commandant of the Coast Guard*, is amended by adding a new paragraph (s), to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(s) Carry out the functions vested in the Secretary by 14 U.S.C. 657, relating to schooling and transportation to schools for dependents of Coast Guard personnel.

Effective date: This amendment is effective January 23, 1975.

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

Issued in Washington, D.C., on January 17, 1975.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.75-2132 Filed 1-22-75;8:45 am]

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

[Docket No. 75-1; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires, Tire Selection and Rims for Passenger Cars

This amendment adds certain tire size designations to 49 CFR 571.109 (Federal Motor Vehicle Safety Standard No. 109) and adds alternative and test rim sizes to 49 CFR 571.110 (Federal Motor Vehicle Safety Standard No. 110).

Guidelines were published in the FEDERAL REGISTER October 5, 1968 (33 FR 14964), and amended August 13, 1974 (39 28980), specifying procedures by which routine additions are made to Appendix A, § 571.109 and to Appendix A, § 571.110. Under these guidelines the additions become effective 30 days from publication in the FEDERAL REGISTER, if no objections are received. If objections are received, rulemaking procedures for the issuance of motor vehicle safety standards (49 CFR Part 553) are followed.

Accordingly, Appendix A of 49 CFR 571.109 and Appendix A of 49 CFR 571.110 are amended, subject to the 30-day provision indicated above, as specified below.

Effective date: February 24, 1975, if objections are not received.

§ 571.109 [Amended]

A. The following changes are made to Appendix A of § 571.109, Standard No. 109; New Pneumatic Tires.

Amendments requested by the European Tyre and Rim Technical Organisation:

1. In Table I-S, the following new tire size designation and corresponding values are added.

TABLE I-S.—*Tire load ratings, test rims, minimum size factors, and section widths for "60 Series" radial ply tires*

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (lb/in²)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
205/60R13	735	785	835	880	925	965	1,005	1,045	1,085	1,120	1,160	1,195	1,230	6	30.41	8.19

2. A new Table I-X, Millimetric "50 Series" Radial Ply Tires, incorporating the following new tire size designations and corresponding values, is added.

TABLE I-X.—*Tire load ratings, test rims, minimum size factors, and section widths for millimetric "50 Series" radial ply tires*

Tire size designation[1]	Maximum tire loads (pounds) at various cold inflation pressures (lb/in²)													Test rim width (inches)	Minimum size factor (inches)	Section width[2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
205/50R15	720	770	810	860	900	940	980	1,020	1,060	1,090	1,130	1,160	1,200	6	30.82	8.19
225/50R15	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	6½	32.37	8.98

[1] The letters "H", "S" or "V" may be included in any specific tire size designation adjacent to the "R".
[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

§ 571.110 [Amended]

B. The following changes are made to Appendix A of § 571.110, Standard No. 110; Tire Selection and Rims.

Amendments requested by the European Tyre and Rim Technical Organisation.

1. In Table I-N, the 7-JJ alternative rim size is added for the 185/70R15 tire size designation.

2. In Table I-S, the 6-JJ test rim size is added for the 205/60R13 tire size designation.

3. In Table I-S, the 8-JJ alternative rim size is added for the 215/60R15 tire size designation.

4. In new Table I-X, the J-JJ test rim size and the 7-JJ alternative rim size are added for the 205/50R15 tire size designation.

5. In new Table I-X the 6½-JJ test rim size and the 8-JJ alternative rim size are added for the 225/50R15 tire size designation.

FMVSS No. 110—APPENDIX A

TABLE I

(Following is a tabulation of changes made by this amendment.)

Tire Size	*Rims*
TABLE I-S	
205/60R13	*6-JJ.*
215/60R15	*8-JJ.*
TABLE I-N	
185/70R15	*7-JJ.*
TABLE I-X	
205/50R15	*6-JJ, 7-JJ.*
225/50R15	*6½-JJ, 8-JJ.*

Italic designations denote test rims. Where JJ rims are specified in the above Table J and JK rim contours are permissible. Table designations refer to tables listed in Appendix A of Standard No. 109 (§ 571.109).

(Secs. 103, 119, 201 and 202, Pub. L. 89-563, 80 Stat. (15 U.S.C. 1392, 1407, 1421 and 1422); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on January 17, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-2130 Filed 1-22-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1207]

PART 1033—CAR SERVICE

Lehigh Valley Railroad Co. (Robert C. Haldeman, Trustee) Directed To Operate Certain Portions of Lehigh and New England Railway Co.

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 17th day of January 1975.

It appearing, That the Lehigh and New England Railway Company (LNE)

has notified the Commission that, on or before January 24, 1975, it will be unable to transport the traffic offered it because its cash position makes continued operation impossible; and that, accordingly, the LNE has placed its embargo No. 1–75 against all traffic, effective January 7, 1975;

It further appearing, That the imminent cessation of all transportation services by the LNE constitutes an emergency situation such as that contemplated by section 1(16)(b) of the Interstate Commerce Act (49 U.S.C. 1(16)), as amended, by section 601(e) of the Regional Rail Reorganization Act of 1973 (Pub. L. 93–236); and that section authorizes the Commission under certain prescribed conditions, to direct a carrier or carriers by railroad to perform essential transportation services which another carrier is no longer able to perform;

It further appearing, That the legislative history to section 1(16)(b) indicates that its purpose is to assure the continuance of essential rail service for a period of sixty days, or in extraordinary circumstances for an extended period not to exceed 240 days, in the event that a railroad is required to cease operation under conditions described in the Act; and that such authority was intended as an interim emergency measure and not as a permanent solution;

It further appearing, That in determining whether the LNE should be operated pursuant to the authority of section 1(16)(b) and in its planning therefor, the Commission, consistent with Congressional intent and the provisions of the Emergency Rail Services Act of 1970 (45 U.S.C. 661), has coordinated its activities with the Department of Transportation and has been in consultation with respresentatives of the United States Railway Association, among others;

It further appearing, That the Commission has determined that based upon the statute and the directives contained in the legislative history of section 1(16)(b) of the Act, the operation of the lines of the LNE is necessary and such operation is in the public interest; that the Commission considered many factors, including but not limited to: the transportation requirements of the patrons of the LNE, the economic impact of a discontinuance of service, the amount of originating and terminating traffic on individual lines, transportation requirements of connecting carriers, condition of track, alternative carriers and transportation modes, and net operating revenues attributable to individual lines; and that, the Commission should direct a carrier to operate over the lines of the LNE;

It further appearing, That the Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee) (LV) should be directed to provide the services herein determined to be essential in the public interest, which were formerly performed by the LNE, because, among other things, the LV's proximity to the lines of the LNE, the volume of the traffic LNE interchanges with the LV, its familiarity with the operation of the LNE and its willingness and ability to perform the services required for shippers;

It further appearing, That the performance of the operations directed herein will not substantially impair the LV's ability adequately to serve its own patrons or to meet its outstanding common carrier obligations; that the performance of the directed operation should not violate the provisions of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421);

It further appearing, That in light of the emergency situation which would result from a cessation of all transportation service by the LNE, public notice and hearings are impractical and not required by the procedures set forth in section 1(15) of the Act; that the public interest requires the continuation of operation over certain lines of the LNE by the LV for a period of operation of 60 days as provided by section 1(16)(b) of the Act; and that good cause existe for making this order effective upon the date served;

It further appearing, That the LV is presently a railroad in reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 205) subject to the jurisdiction of the United States District Court for the Eastern District of Pennsylvania; and that, accordingly, approval of said court may be necessary for the implementation of this order; and

It further appearing, and the Division so finds, that this decision 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;

It further appearing, and the Division so finds, that cessation of service by the LNE would have serious economic consequences not only to the patrons of the LNE but also to the communities located within the area; and for good cause appearing therefor:

§ 1033.1207 Service Order 1207.

Lehigh Railroad Company (Robert C. Haldeman, Trustee) directed to operate certain portions of Lehigh and New England Railway Company.

(a) *It is ordered*, That Lehigh Valley Railroad Company, debtor (Robert C. Haldeman, Trustee), be, and it is hereby directed to enter upon the railroad properties presently operated by the Lehigh and New England Railway Company, except the Tamaqua branch, extending between Tamaqua, Pennsylvania, and Hauto, Pennsylvania, and to operate such railroad and facilities subject to any necessary approval of the reorganization court of the United States District Court for the Eastern District of Pennsylvania, for the purpose of handling, routing, and moving the traffic of the Lehigh and New England Railway Company in accordance with the lawful instructions of shippers and consignees and in compliance with the rules and regulations of the Commission, and subject to the rates and charges prescribed in tariffs lawfully published and filed in accordance with law and applicable to freight traffic transported over the lines of the Lehigh and New England Railway Company; that such entry and operations shall commence on or before 12:01 a.m., January 24, 1975, and shall continue for a period of 60 days, unless such period is reduced by order of the Commission or unless further extended by order of the Commission, for cause shown, for an additional designated period; and that a certified copy of the order of the court authorizing the Lehigh Valley Railroad Company, debtor, to perform the directed service pursuant to the order of the Commission shall be filed with this Commission, with appropriate reference to this proceeding;

(b) *It is further ordered*, That the Lehigh and New England Railway Company shall, on the date of service of this order inform all persons who were given notice of its embargo, No. 1–75, that said embargo shall no longer be applicable to service over its lines;

(c) *It is further ordered*, That the Lehigh Valley Railroad Company, debtor, shall (1) collect all revenues attributable to the handling, routing, and movement of freight traffic including all agents' and conductors' accounts and all payments from other carriers collected after the commencement of directed operations; (2) distribute such revenues in accordance with divisional agreements presently applicable, collecting and paying to the Lehigh and New England Railway Company the divisions of joint revenues payable to the Lehigh and New England Railway Company pursuant to such division agreements which are derived from services performed and events occurring prior to January 24, 1975, and collecting and retaining for the Lehigh Valley Railroad Company, debtor, on a segregated basis all such divisions of joint revenues payable to the Lehigh and New England Railway Company pursuant to such division agreements which are derived from services performed by the Lehigh Valley Railroad Company, debtor, in the place and stead of the Lehigh and New England Railway Company and from events occurring on or after January 23, 1974;

(d) *It is further ordered*, That all carriers are hereby directed to pay to the Lehigh Valley Railroad Company, debtor, such sums as otherwise would be payable to the Lehigh and New England Railway Company including interline freight revenues, per diem, and all other interline accounts of whatsoever kind and nature coming due under normal accounting rules and procedures for the settlement of interline transactions and accounts between carriers during the period this order is in effect and thereafter coming due for services performed and events occurring during the period of directed service;

(e) *It is further ordered*, That the Lehigh Valley Railroad Company, debtor, shall pay to all carriers amounts received by it but due to them for services performed by them, for per diem, and for events occurring either prior to the commencement of operations directed herein

or during the period this order is in effect, all in accordance with established procedures for the settlement of interline transactions and accounts between carriers;

(f) *It is further ordered*, That in executing the directions of this Commission as provided for in this order, all carriers involved in the movement of traffic to the lines of the Lehigh and New England Railway Company shall proceed even though in some instances, no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; that in the event reroutings are necessary pursuant to the directives of this and subsequent orders, the divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act;

(g) *It is further ordered*, That, in carrying out the operations directed herein, the Lehigh Valley Railroad Company, debtor, shall hire employees of the Lehigh and New England Railway Company to the extent such employees had previously performed the directed service and shall assume all existing employment obligations and practices of the Lehigh and New England Railway Company relating thereto, including, but not limited to, agreements governing rates of pay, rules, working conditions, and all current employee protective conditions, for the duration of the directed service;

(h) *It is further ordered*, That the Lehigh Valley Railroad Company, debtor, and the Lehigh and New England Railway Company shall, if possible, negotiate an agreement (hereinafter called the agreement) on all aspects of the directed operation subject to their determination, including, but not limited to use of and rental for equipment, use of, and compensation for, existing inventories of fuel, materials, and supplies, and rental for the use of rights-of-way and other rail facilities; that the Commission shall be represented at all such discussions; that the agreement shall be subject to approval by the Commission upon such procedure as the Commission shall later specify; and that in the event the Lehigh Valley Railroad Company, debtor, and the Lehigh and New England Railway Company fail to agree upon the terms for such use and compensation, the directed service shall continue pending a Commission determination to establish such terms as it may find to be just and reasonable;

(i) *It is further ordered*, That in the event the parties achieve agreement, any funds to be paid the Lehigh and New England Railway Company thereunder shall be paid into an escrow account until the agreement is given approval by the Commission; and that in the event the parties are unable to reach agreement, any monies the Lehigh Valley Railroad Company, debtor, holds for the account of the Lehigh and New England Railway Company to compensate it to the use of its equipment and facilities and properties, in lieu of a final agreement, shall be paid into an escrow account until a determination has been made by the Commission as to what terms are just and reasonable;

(j) *It is further ordered*, That the Lehigh Valley Railroad Company, debtor, shall record the revenues earned and the costs incurred in and for the performance of the operations directed herein over the lines of the Lehigh and New England Railway Company, in a manner to be prescribed by the Commission, that the information so recorded, and supporting data where specifically required, shall be submitted by the Lehigh Valley Railroad Company, debtor, to the Commission for audit and evaluation immediately upon completion of the directed operation, or at such intervals, during the period of the directed operation, as the Commission may request; and that, if, for the period during which this order shall be effective, the cost to the Lehigh Valley Railroad Company, debtor, of handling, routing, and moving the traffic over the lines of the Lehigh and New England Railway Company shall exceed the direct revenues therefor, payment shall be made to the Lehigh Valley Railroad Company, debtor, in the manner provided by section 1(16)(b) of the Act;

(k) *It is further ordered*, That the Commission shall retain jurisdiction to modify, supplement or reconsider this order at any time and for such purposes as it may consider necessary consistent with the legislative intent and the express provision of section 1(16)(b) of the Interstate Commerce Act, as amended;

(l) *It is further ordered*, That this order shall be served upon the United States Department of Transportation, the United States Railway Association, the Rail Planning Services Office of the Interstate Commerce Commission, the governor of the State of Pennsylvania, Pennsylvania Public Utilities Commission, the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(m) *It is further ordered*, That this order shall be effective upon the date of service; that the operations which the Lehigh Valley Railroad Company, debtor, is herein directed to perform shall commence on or before 12:01 a.m., January 24, 1975; and that such operations shall cease 60 days from the date the directed service shall be instituted by the Lehigh Valley Railroad Company, debtor, at 11:59 p.m., unless otherwise extended, modified, changed, or suspended by subsequent order of the Commission.

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

By the Commission, Division 3.

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

[FR Doc.75-2165 Filed 1-22-75;8:45 am]

Title 50—Wildlife

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Mark Twain National Wildlife Refuge—Illinois-Iowa-Missouri

The following special regulation is issued and is effective on January 23, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS-IOWA-MISSOURI

MARK TWAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Mark Twain National Wildlife Refuge, Illinois, Iowa, and Missouri, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10,257 acres, are delineated on maps available at the refuge headquarters and from the office of the Regional Director, United States Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

ILLINOIS

(1) The open season for sport fishing on the Batchtown and Calhoun Divisions of the Mark Twain National Wildlife Refuge extends from January 1, 1975, through October 15, 1975, with the exception of certain designated areas which are open until December 31, 1975.

(2) The open season for sport fishing on the Keithsburg Division of the Mark Twain National Wildlife Refuge extends from January 1, 1975, through October 15, 1975.

(3) The open season for sport fishing on the Gardner Division of the Mark Twain National Wildlife Refuge extends from January 1, 1975, through October 15, 1975.

(4) (a) The open season for sport fishing on the Chautauqua National Wildlife Refuge extends from December 15, 1974, through October 15, 1975, with the exception of certain designated areas in Chautauqua Lake, Goofy Ridge Ditch, and all water areas of the public hunting area which are open until December 14, 1975.

(b) The use of boats, powered by motors of ten (10) horsepower or less, is permitted in the waters of Lake Chautauqua.

(c) No person shall enter upon or fish from any dike, water control structure

or shoreline within the refuge except at the Recreation Area, Boatyard No. 3, or along the cross dike.

IOWA

(1) The open season for sport fishing on the Louisa Division of the Mark Twain National Wildlife Refuge extends from January 1, 1975, through September 30, 1975, with the exception of certain areas adacent to the Port Louisa Road which are open until December 31, 1975.

(2) The open season for sport fishing on the Big Timber Division of the Mark Twain National Wildlife Refuge extends from January 1, 1975, through December 31, 1975.

MISSOURI

(1) The open season for sport fishing on the Clarence Cannon National Wildlife Refuge extends from April 1, 1975, through September 30, 1975, with the exception of Bryants Creek and certain designated areas which are open from January 1, 1975, through December 31, 1975.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1975.

Dated: January 15, 1975.

HOWARD A. LIPKE,
Refuge Manager, Mark Twain National Wildlife Refuge, Box 225, Quincy, Illinois 62301.

[FR Doc.75-2110 Filed 1-22-75;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 DEFENSE

Engineers Corps

[33 CFR Part 207]

ST. MARYS FALLS CANAL AND LOCKS, MICHIGAN

Proposed Navigation Regulations

Notice is hereby given that pursuant to section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Chief of Engineers) to govern the use, administration and navigation of the St. Marys Falls Canal and Locks, Michigan. It is proposed to amend the present regulations with respect only to paragraph (c) in 33 CFR, 207.440 to provide a more effective means of vessel dispatch.

Prior to the adoption of the proposed regulations consideration will be given to any comments, suggestions or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attention: DAEN-CWO-N on or before February 24, 1975.

§ 207.440 St. Marys Falls Canal and Locks, Mich.; use, administration and navigation.

* * * * *

(c) Upon approaching the canal, vessel masters shall request lock dispatch by radiotelephone to the Corps of Engineers Chief Lockmaster at St. Marys Falls canal dispatch tower (Radio Call WUD-31). Every upbound vessel shall call when abeam of Bayfield Rock Pile Dike which is approximately one and one-eighth miles downstream from East Center Pier end. Every downbound vessel shall call when approximately one-half mile downstream from Big Point.

* * * * *

Dated: January 9, 1975.

J. W. MORRIS,
Major General, U.S.A.
Director of Civil Works.

[FR Doc.75-2097 Filed 1-22-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1427]

UPLAND AND EXTRA LONG STAPLE COTTON

Proposed Determinations Regarding 1975 Crops

The Commodity Credit Corporation is preparing to make certain determinations with respect to the loan programs for the 1975 crops of upland and extra long staple (ELS) cotton:

a. Schedule of premiums and discounts for grade and staple length of upland cotton.

b. Schedule of micronaire differentials for upland cotton.

c. Schedule of base loan rates by warehouse location for upland cotton.

d. Schedule of loan rates by location for eligible qualities of ELS cotton.

e. Schedule of micronaire differentials for ELS cotton.

The above determinations are to be made pursuant to the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; (7 U.S.C. 1421 et seq.)).

Section 403 of the act (7 U.S.C. 1423) provides in part that appropriate adjustments may be made in the support price for any commodity for difference in grade, type, staple, quality, location, and other factors. Such adjustments shall, so far as practicable, be made in such manner that the average support price for such commodity will, on the basis of the anticipated incidence of such factors, be equal to the level of support determined as provided in this act. Under section 103(e) of the act (7 U.S.C. 1444(e)), however, the base loan rate determined for 1075-crop upland cotton is applicable to Middling 1-inch cotton (micronaire 3.5 through 4.9) at average location in the United States.

a. *Schedule of premiums and discounts for grade and staple length of upland cotton.* This schedule would reflect the differences in loan value between SLM 1 1/16 inches cotton and the various other grade and staple length combinations for upland cotton.

Since 1959, Commodity Credit Corporation (CCC) has established loan rates and made loans available on 532 different qualities (grade and staple length combinations) of upland cotton. These consist of 38 grades in 7 color groups and 14 individual staple lengths or groups (see exhibit 1 for schedule of premiums and discounts applicable under the 1974 loan program), and parallel closely USDA's standards for grade and staple length of upland cotton.

CCC proposes to reduce the number of qualities available for loans since many qualities are no longer produced in sufficient quantity to warrant an individual loan rate (see exhibit 2 for quality distribution of 1973 crop). In 1973, for example, 208 qualities—concentrated in the color groups "White," "Light Spotted," and "Spotted"—accounted for 99.4 percent of production. On the other hand, 251 qualities had no production at all, as compared with 158 qualities as recent as 1966. This reflects the general trend of upland cotton produced during the past 10 years—larger percentages of the crop concentrated in fewer quality designations.

Proposed modifications in the schedule of premiums and discounts for eligible qualities of upland cotton under the 1975 cotton loan program follow:

1. Eliminate the color group "Yellow Stained"; only 62 such bales were produced in 1973, representing 3 qualities. Such action would eliminate from the schedule discounts applicable to 42 qualities in that color group. However, any cotton classed as "Yellow Stained" (Middling and Better) would be eligible for loan at a discount 200 points greater than the discount applicable to the comparable quality in the "Tinged" color group.

2. Eliminate the grade "GM" (Good Middling) in each of the remaining 6 color groups and change the grade "SM" (Strict Middling) to "SM and better" in each color group. Such action would eliminate premiums and discounts for 84 additional qualities. Less than 100 bales of GM cotton were produced in 1973. Also, the official standards for U.S. grade of American upland cotton have been revised, effective July 1, 1975, to revoke the GM standards for Tinged and Stained cotton.

3. On the short end of the staple length range, combine the staple lengths "1 3/16." "7/8." and "2 2/32." and redesignate the grouping "1 3/16 through 2 2/32." Such action would eliminate discounts for 58 additional qualities and, in effect, raise the value of the lower qualities involved.

4. On the long end of the staple length range, combine the staple lengths "1–5/32." "1–3/16." "1–7/32." and "1–1/4 and longer," and redesignate the grouping "1–5/32 and longer." Only about 1/100 of 1 percent of the crop falls in those staple lengths longer than 1–5/32 inches (see staple ctdes 38, 39, and 40 in Exhibit 2). Such action would eliminate individual premiums and discounts for 87 additional qualities, and have a negligible effect, value-wise, upon that minute fraction of the crop (1/100 of one percent) involved.

The net effect of the action proposed above would reduce the schedule of premiums and discounts for upland cotton for CCC loans in 1975 and subsequent crops to 261 qualities as compared with 532 in 1974. The 271 qualities which would lose their individual identity under the proposed schedule would remain eligible for loans under a more compact schedule, better paralleling concentrations of production.

The problem of determining premiums and discounts in the designated spot

markets for those qualities representing minor or insignificant production has become increasingly difficult as production of these qualities continues to dwindle. For many of these qualities there has been no production in recent years. Thus, the concentration of attention on those qualities produced and merchandised in significant quantities would appear to be the best course for CCC to follow in developing its schedule of premiums and discounts applicable to upland cotton loans.

b. *Schedule of micronaire differentials for upland cotton.* A schedule will reflect differences in loan value between micronaire group 3.5 through 4.9 (the statutory base group) and the various other micronaire groups.

(c) *Schedule of base loan rates by warehouse location for upland cotton.* This schedule will establish base loan rates for upland cotton stored at various warehouse locations.

(d) *Schedule of loan rates by location for eligible qualities of ELS cotton.* In accordance with the act, the loan rate for 1975-crop ELS cotton was announced at a national average rate. That rate is 67.74 cents per pound, announced by press release (USDA 3105–74) dated October 31, 1974. The schdeule of rates would reflect differences in loan value by location for each eligible quality. The staple length group "1½ and longer" would be eliminated from the schedule, and the staple length "1$^{7}/_{16}$" redesignated "1$^{7}/_{16}$ and longer." No ELS cotton 1½ inches and longer has been produced in the United States in the last 10 years.

(e) *Schedule of micronaire differentials for ELS cotton.* A schedule will reflect differences in loan value between micronaire group 3.5 and above (the base group) and the various other micronaire groups.

Prior to making the foregoing determinations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Cotton, Rice and Oilseeds Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions should be received not later than February 21, 1975. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 5725, South Building, 14th and Independence Avenue SW., Washington, D.C.

Signed at Washington, D.C., on January 16, 1975.

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

EXHIBIT 1.—*Premiums and discounts for grade and staple length of 1974-crop upland cotton (basis strict low middling 1$^{1}/_{16}$ inches, net weight)*

Grade	Staple length (inches)													
	$^{13}/_{16}$	⅞	$^{29}/_{32}$	$^{15}/_{16}$	$^{31}/_{32}$	1	1 $^{1}/_{32}$	1 $^{1}/_{16}$	1 $^{3}/_{32}$	1 ⅛	1 $^{5}/_{32}$	1 $^{3}/_{16}$	1 $^{7}/_{32}$	1¼ and longer
							Points per pound							
White:														
GM and better	−530	−480	−425	−360	−270	−135	+80	+220	+255	+300	+365	+455	+630	+775
SM	−525	−485	−430	−370	−275	−140	+75	+215	+250	+295	+355	+440	+615	+765
MID plus	−540	−505	−450	−385	−295	−160	+50	+190	+230	+270	+325	+405	+575	+725
MID	−555	−520	−465	−400	−310	−180	+30	+170	+210	+250	+300	+375	+530	+660
SLM plus	−615	−575	−530	−460	−395	−280	−80	+70	+100	+130	+170	+250	+385	+510
SLM	−650	−610	−555	−500	−425	−335	−145	Base	+30	+70	+105	+175	+305	+425
LM plus	−715	−680	−630	−575	−500	−415	−275	−170	−145	−125	−110	−85	−60	−10
LM	−745	−710	−670	−610	−545	−465	−340	−240	−215	−195	−185	−170	−145	−120
SGO plus	−850	−825	−790	−735	−675	−600	−535	−485	−475	−470	−470	−470	−470	−470
SGO	−895	−870	−830	−790	−730	−660	−600	−555	−550	−545	−545	−545	−545	−545
GO plus	−1,005	−970	−935	−895	−845	−785	−720	−660	−680	−680	−680	−680	−680	−680
GO	−1,050	−1,010	−980	−935	−890	−830	−770	−745	−740	−735	−735	−735	−735	−735
Light spotted:														
GM	−565	−530	−470	−415	−335	−230	−30	+90	+125	+145	+195	+270	+435	+595
SM	−575	−530	−480	−420	−345	−240	−45	+75	+110	+135	+175	+250	+415	+570
MID	−620	−585	−540	−485	−410	−320	−140	−15	+15	+50	+95	+165	+285	+385
SLM	−720	−680	−635	−580	−515	−440	−320	−235	−220	−195	−185	−165	−155	−120
LM	−840	−810	−770	−720	−670	−610	−550	−510	−505	−500	−500	−500	−500	−500
Spotted:														
GM	−705	−655	−620	−565	−510	−450	−355	−305	−295	−280	−270	−260	−235	−210
SM	−715	−660	−625	−570	−520	−465	−365	−320	−310	−290	−280	−270	−250	−230
MID	−770	−720	−680	−635	−580	−530	−450	−405	−400	−390	−385	−385	−385	−385
SLM	−870	−825	−785	−735	−695	−655	−600	−570	−565	−565	−565	−565	−565	−565
LM	−985	−940	−900	−865	−825	−780	−730	−715	−710	−705	−705	−705	−705	−705
Tinged:														
GM	−910	−855	−825	−785	−765	−740	−720	−710	−705	−705	−705	−705	−705	−705
SM	−920	−870	−835	−795	−780	−750	−730	−720	−715	−715	−715	−715	−715	−715
MID	−975	−925	−890	−855	−830	−805	−785	−775	−775	−775	−775	−775	−775	−775
SLM	−1,060	−1,010	−975	−930	−915	−885	−870	−865	−865	−865	−865	−865	−865	−865
LM	−1,165	−1,120	−1,090	−1,050	−1,035	−1,005	−990	−985	−985	−985	−985	−985	−985	−985
Yellow stained:														
GM	−1,090	−1,035	−1,005	−975	−955	−925	−915	−905	−905	−905	−905	−905	−905	−905
SM	−1,095	−1,040	−1,020	−985	−965	−935	−925	−915	−915	−915	−915	−915	−915	−915
MID	−1,150	−1,105	−1,080	−1,045	−1,030	−990	−980	−975	−975	−975	−975	−975	−975	−975
Light gray:														
GM	−595	−555	−510	−450	−365	−255	−75	+30	+85	+120	+165	+225	+370	+490
SM	−640	−600	−555	−500	−425	−330	−160	−35	−5	+40	+85	+135	+265	+380
MID	−730	−690	−660	−600	−530	−455	−340	−240	−225	−195	−185	−165	−140	−110
SLM	−885	−855	−820	−770	−710	−655	−585	−545	−530	−520	−520	−520	−520	−520
Gray:														
GM	−695	−655	−610	−560	−485	−400	−275	−180	−160	−125	−90	−35	+40	+110
SM	−755	−715	−675	−620	−555	−480	−380	−295	−280	−255	−240	−225	−210	−175
MID	−905	−870	−835	−780	−730	−675	−600	−560	−555	−545	−545	−545	−545	−545
SLM	−1,050	−1,000	−975	−925	−875	−825	−780	−745	−740	−735	−735	−735	−735	−735

NOTE.—Grade symbols: GM-Good middling; SM-Strict middling; MID-Middling; SLM-Strict low middling; LM-Low middling; SGO-Strict good ordinary; GO-Good ordinary.

TABLE I.—*Grade and staple of upland cotton ginned in the United States, 1973-74*

Grade	Code	Staple code (32d inches) 26 and shorter	28	29	30	31	32	33	34	35	36	37	38	39	40 and longer	All staples	
		Bales	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Percent*
White:																	
G.M	(11)								25	9	45					79	(1)
S.M	(21)		463	1,452	3,339	2,489	647	1,164	11,893	28,183	9,738	693				60,060	0.5
M+	(30)			9	179	69	32	26	442	330	76	26	23			1,212	(1)
M	(31)	571	9,960	67,153	263,674	263,985	142,025	63,343	279,771	878,182	270,760	12,245	236	9	79	2,251,093	18.1
S.L.M.+	(40)	13	123	1,229	3,737	3,961	3,092	3,295	18,022	96,979	61,034	1,705	87			193,277	1.5
S.L.M	(41)	293	7,799	68,837	346,729	512,000	453,025	321,849	1,637,766	1,233,341	270,558	10,675	457	53	67	4,853,449	38.9
L.M.+	(50)		113	743	2,294	2,996	4,447	9,154	64,495	69,729	17,380	696	54			171,991	1.4
L.M	(51)		455	5,063	46,461	79,914	85,741	135,456	772,402	518,983	62,315	3,202	117		9	1,687,718	13.5
S.G.O.+	(60)			9	100	129	438	901	7,162	6,492	1,255	141				16,627	0.1
S.G.O	(61)		52	661	13,444	16,566	16,375	20,965	82,138	45,607	5,243	385	9			201,545	1.6
G.O.+	(70)				15	10	20	75	134	46	34					334	(1)
G.O	(71)			173	1,701	1,946	2,461	3,756	9,549	4,409	299	40				24,334	0.2
Total		877	18,064	145,929	681,673	884,065	695,303	549,984	2,883,798	2,882,281	698,637	29,708	983	62	155	9,471,519	75.8
Light spotted:																	
G.M	(12)																
S.M	(22)		95	303	1,038	455	162	362	1,153	1,072	107	11				4,778	(1)
M	(32)	310	5,801	48,631	231,371	289,976	149,634	49,092	98,861	73,686	7,862	2,446	23			957,692	7.6
S.L.M	(42)	114	2,763	24,827	164,383	235,577	170,950	133,343	415,820	148,345	11,537	911	27			1,308,597	10.4
L.M	(52)		541	6,924	79,861	83,753	53,172	55,720	149,671	54,151	4,300	458	86			488,637	3.9
Total		424	9,200	80,685	476,673	609,761	373,918	238,517	665,505	277,254	23,806	3,826	135			2,759,704	21.9
Spotted:																	
G.M	(13)																
S.M	(23)		14	69	47	24	28	90	96	122						490	(1)
M	(33)	53	704	3,781	13,479	10,095	4,789	4,096	3,605	1,057	162	11				41,832	0.3
S.L.M	(43)	249	1,975	4,968	14,366	12,295	8,414	17,436	30,765	5,776	344	37				96,725	0.8
L.M	(53)	105	611	3,560	9,782	8,382	7,703	16,336	23,129	5,221	333	55				75,216	0.6
Total		407	2,404	12,378	37,674	30,796	20,934	37,958	57,595	12,176	838	103				213,263	1.7
Tinged:																	
G.M	(14)																
S.M	(24)								9							9	(1)
M	(34)	11	70	135	295	141	84	193	203	42						1,172	(1)
S.L.M	(44)	26	130	381	342	113	216	852	483	35	9					2,567	(1)
L.M	(54)	19	71	181	218	139	353	681	522	60	9					2,253	(1)
Total		56	271	677	855	393	653	1,725	1,216	137	18					6,001	(1)
Stained:																	
G.M	(15)																
S.M	(25)																
M	(35)				6					47	9					62	(1)
Total					6					47	9					62	(1)
Light Gray:																	
G.M	(16)									11						11	(1)
S.M	(26)			9	21	40		75	247	414	114					920	(1)
M	(36)			50	313	391	191	670	3,541	2,583	512					8,161	0.1
S.L.M	(46)			18	338	205	334	1,203	2,061	1,318	249					5,726	(1)
Total				77	672	646	525	1,948	5,849	4,326	875					14,818	0.1
Gray:																	
G.M	(17)																
S.M	(27)								5							5	(1)
M	(37)			7	46	9	24	140	19	37						282	(1)
S.L.M	(47)			8	73	14	62	466	269	264	50					908	(1)
Total				15	119	23	86	606	293	301	53					1,195	(1)
Below grade		712	1,119	2,553	10,235	9,337	13,214	10,900	15,128	3,942	199					66,339	0.5
All grades		2,476	31,058	242,314	1,207,907	1,534,921	1,103,633	841,238	3,629,384	3,180,464	724,434	33,637	1,118	62	155	[2] 12,532,901	100.0
		Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	
All grades		(1)	0.2	1.9	9.6	12.2	8.8	6.7	29.1	25.4	5.8	0.3	(1)	(1)	(1)	100.0	

Percentage tough preparation	(1)
Grade index	92.3
Average staple	33.

[1] Less than 0.05 percent.
[2] As reported by the Bureau of the Census, running bales.

[FR Doc.75-1903 Filed 1-22-75;8:45 am]

Office of the Secretary

[7 CFR Part 1]

IMPLEMENTATION OF FREEDOM OF INFORMATION ACT

Proposed Fee Schedule

The Department of Agriculture solicits public comment on the following proposed regulations implementing the 1974 Freedom of Information Act amendments as they affect the fees which may be charged requesters for services performed under that Act. The proposed regulations also cover fees for services performed under other authority.

Interested persons are invited to submit comments in writing regarding the proposed fee schedule. Comments in single copy should be addressed to: Director, Office of Operations, U.S. Department of Agriculture, Washington, D.C. 20250.

Copies of comments received will be available for public inspection in Room 131-W, Agriculture Administration Building, 14th Street and Jefferson Drive SW., Washington, D.C., from 8:30 A.M. until 5:00 P.M., Monday-Friday. (7 CFR 1.27(b)).

Comments must be received not later than February 7, 1975, in order to insure consideration.

When issued in final form the Fee Schedule will appear as an Appendix to 7 CFR Part 1, Subpart A.

The proposed Fee Schedule is as follows:

Sec. 1. *General.* This schedule sets forth fees to be charged for providing copies of records, including photographic reproductions, microfilm, maps and mosaics, and related services. The fees set forth in this schedule are applicable to all agencies and constituent units of the Department of Agriculture.

Sec. 2. *Facilities.* Records and related services are available at the locations specified by the agencies in their statements of organization and services. Each agency is responsible for promulgating procedures to facilitate public inspection and copying of its records. Any materials offered for sale by the Government Printing Office should be purchased from that source. Departmental agencies will not stock such materials for public sale.

Agencies do not stock copies of forms and publications or maintain records at any facility which does not require these materials in its operations.

Sec. 3. *Fees for materials and services.* All agencies of the Department shall be guided by the fees set forth herein. Any changes or additions to this fee schedule shall be made by amendment to or revision of this schedule.

Sec. 4. *Circumstances governing exceptions to the charging of fees for records and related services.* (For photographic reproductions, see Sec. 12.)

a. *Waiver of fees for records and related services.* Fees may be waived in whole or in part under the following conditions:

(1) Where individual collections are $3.00 or less.

(2) Where the furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization; or comparable fees are set on a reciprocal basis with a foreign country or an international organization.

(3) Where the recipient is engaged in a nonprofit activity designed for the public safety, health, or welfare.

(4) Where the agency determines that payment of the full fee by a State, local government, or nonprofit group would not be in the interest of the program involved.

b. *Fees not to be charged for records and related services.* Fees shall not be charged under the following conditions:

(1) When the furnishing of records and related services is determined by the agency to be in the public interest as primarily benefiting the general public.

(2) When filling requests from other Departments or Government agencies for official use, provided quantities requested are reasonable in number.

(3) When members of the public provide their own copying equipment, in which case no copying fee will be charged.

(4) When any notices, decisions, orders, or other material are required by law to be served on a party in any proceedings or matter before any Department agency.

c. Where both a and b above apply to a matter, b shall be controlling.

Sec. 5. *Limitations of copies.* Agencies may restrict numbers of photocopies and directives furnished the public to one copy of each page. Copies of forms provided the public shall also be held to the minimum practical. Persons requiring any large quantities should be encouraged to take single copies to commercial sources for further appropriate reproduction.

Sec. 6. *Search Services.* Search services are services of agency personnel-clerical, supervisory or professional salary level-used in trying to find the records sought by the requester. They include time spent examining records for the purpose of finding records which are within the scope of the request. They also include services to transport personnel to places of record storage, or records to the location of personnel for the purpose of the search, if such services are reasonably necessary.

Because of the nature of the Department's business and records, the normal location of a record in a file or other facility will not be considered a search. This would be the same as quickly locating a piece of material for purposes of answering a letter or telephone inquiry,, and is based on the Department's obligation to respond to requests furnishing a reasonably specific description of the record.

Sec. 7. *Payments of fees and charges.* Payments will be collected to the fullest extent possible in advance or at the time the requested materials are furnished.

Except as otherwise stipulated by agency procedures, payment shall be made by check, draft, or money order made payable to Treasurer of the United Sttaes, but small amounts may be paid in cash, particularly where services are performed in response to a visit to a Department office.

Unless the request contains an agreement to pay an amount which at least equals the agency's estimated fees, no action will be taken to fulfill the request, when the estimate exceeds $20.00, until the requester has agreed in writing to pay the estimated fees.

Where the estimated fees exceed $150.00, a deposit of 50 percent of the estimated amount shall be collected from the requester before action is taken to fulfill the request, or before any of the requested materials are reproduced, depending on the circumstances.

Upon fair prior notice of the possibility of an unproductive search, agencies shall charge requesters an applicable search fee even when no records responsive to the request or no records not exempt from disclosure are found, except when such charges are waived or reduced pursuant to Section 4. However, if a requester has not been given fair prior notice and no records are found, no search fee shall be charged.

Sec. 8. *Fees for records and related services.*

a. Photocopies, 8½" x 14" or smaller; $0.10 for the first copy and $0.05 for each additional copy of the same page.

b. Photocopies in excess of 8½" x 14"; $0.25 per linear foot.

c. Manual searches will be charged for at the rate of $4.00 per hour for clerical time and $9.00 per hour for supervisory or professional time. Charges will be computed to the nearest quarter hour required for the search. A search may involve both clerical and supervisory or professional time.

d. Other direct costs incurred will be assessed the requester at the actual cost to the Government, e.g., where records are required to be shipped from one office to another by commercial carrier in order to timely answer the request, the actual freight charges will be assessed the requester.

e. Computer searches will be charged for at the rates established in the Users Manual or Handbook published by the computer center at which the work will be performed. A listing follows showing where those rates are published and the office from which copies may be obtained or at which the rates may be examined.

Fort Collins Computer Center Users Manual Section 3.4—Administrative Policies and Procedures—Rates. pp. 3-4 through 3-7.
Fort Collins Computer Center
U.S. Department of Agriculture
3825 East Mulberry Street (P.O. Box 1206)
Fort Collins, Colorado 80521

New Orleans Computer Center Users Manual Appendix B-New Orleans Computer Center Rates. pp. 1 through 5.

New Orleans Computer Center
U.S. Department of Agriculture
13800 Old Gentilly Road, Building 350
New Orleans, Louisiana 70129.

Kansas City Computer Users Manual Appendix D-2-Rates. pp. 65-80.

Kansas City Computer Center
U.S. Department of Agriculture
8930 Ward Parkway (P.O. Box 205)
Kansas City, Missouri 64141

Washington Computer Center Users Handbook Appendix B-Washington Computer Center Rates. pp. 1-10.

Washington Computer Center
U.S. Department of Agriculture
Room S-100, South Building
12th Street and Independence Ave., S.W.
Washington, D.C. 20250.

f. The fees do not include and no charge shall be made for (a) time spent examining records to determine whether an exemption can and should be asserted, (b) time spent deleting exempt matter being withheld from records to be furnished, or (c) time spent in monitoring a requester's inspection of agency records.

g. Certifications, $1.00 each; Authentications under Department Seal (including aerial photographs), $2.00 each.

h. For requests not subject to the Freedom of Information Act, agencies may set their own fees on specialized materials, such as printouts,, magnetic tapes, directives, handbooks, building plans, and other material unique to any one agency. Where a fee has not been established in this schedule, an appropriate fee will be set by the individual agency.

i. The fees specified in a through f to this Section apply to all requests for services under the Freedom of Information Act, as amended (5 U.S.C. 552), unless the agency has determined to waive or reduce those fees pursuant to Section 4. No higher fees nor charges in addition to those provided for in this schedule may be charged a party requesting search or duplication services under the Freedom of Information Act.

j. The fees specified in g and h of this Section and in Sections 9 through 16 of this schedule apply to all requests for services other than those subject to the Freedom of Information Act. The authority for establishment of these fees is 31 U.S.C. 483a.

Sec. 9. *Photographic reproduction, microfilm, mosaic and maps.* Reproduction of such aerial or other photographic microfilm, mosaic and maps as have been obtained in connection with the authorized work of the Department may be sold at the estimated cost of furnishing such reproductions as precribed in this schedule.

Sec. 10. *Agencies which furnish photographic reproductions.—a. Aerial photographic reproductions.* The following agencies of the Department furnish aerial photographic reproductions:

Agricultural Stabilization and Conservation Service (ASCS), Room 3405, Auditor's Building, Washington, D.C. 20250.

Forest Service (FS), 24 LOB RP-E, Arlington, Virginia 22209, or nearest Forest Service Regional Office

Soil Conservation Service (SCS), Information Division, Audio Visual Branch, Room 6112-S, Washington, D.C. 20250 (Satellite Mosaics), Reproduction Branch, FCB, Hyattsville, Maryland 20782.

b. Other photographic reproductions. Other types of photographic reproductions may be obtained from the following agencies of the Department:

Agricultural Stabilization and Conservation Service (ASCS) (Address above).

Forest Service (Address above).

Office of Communication, Photographic Division, Room 536A, Washington, D.C. 20250.

Soil Conservation Service (Address above).

National Agricultural Library, Information Officer, Room 204, Beltsville, Maryland 20705.

Sec. 11. *Photographic Sales Committee.* The Photographic Sales Committee consists of representatives designated by Department agencies principally concerned with the sale of photographic reproductions. The Committee recommends prices at which photographic and mosaic reproductions, except library material, shall be sold, and other matters related to photographic reproductions.

Sec. 12. *Circumstances under which photographic reproductions may be provided free.* Reproductions may be furnished free at the discretion of the agency, if it determines this action to be in the public interest, to:

a. Press, radio, television, and newsreel representatives for dissemination to the general public.

b. Agencies of State and local governments carrying on a function related to that of the Department when it will help to accomplish an objective of the Department.

c. Cooperators and others furthering agricultural programs. Generally, only one print of each photograph should be provided free.

Sec. 13. *Loans.* Aerial photographic film negatives or reproductions may not be loaned outside the Federal Government.

Sec. 14. *Sales of positive prints under Government contracts.* The annual contract for furnishing single and double frame slide film negatives and positive prints to agencies of the Department, County Extension Agents, and others cooperating with the Department, carries a stipulation that the successful bidder must agree to furnish slide film positive prints to such persons, organizations, and associations as may be authorized by the Department to purchase them.

Sec. 15. *Procedure for handling orders.* In order to expedite handling, all orders should contain adequate identifying information. Agencies furnishing aerial photographic reproductions require that all such orders identify the photographs. Each agency has its own procedure and order forms.

Sec. 16. *Photographic reproduction prices.* The prices for photographic reproductions listed here are for the most generally requested items.

a. *National Agricultural Library.* The following prices are applicable to National Agricultural Library items only: Microfilm—$1.00 for each 30 pages or fraction thereof. Photoreproduction—$1.00 for each 10 pages or fraction thereof.

b. *General photographic reproductions.* Minimum charge $1.00 per order. All sizes are approximate. An extra charge may be necessary for excessive laboratory time caused by any special instructions from the purchaser.

Class of work	Unit	Price
1. Black and white copy negatives and film positives:		
4 x 5	Each	$3.60
5 x 7	do	3.90
8 x 10	do	4.50
11 x 14	do	7.00
2. Black and white enlargements:		
Up to 8 x 10	do	2.70
11 x 14	do	4.20
Over 11 x 14	Per square foot.	3.60
3. Reductions (from any size negative).		3.60
4. Mounting	Per square foot.	2.20
5. Slides: Black and white (from copy negative):		
2 x 2 cardboard mounted	Each	2.40
3¼ x 3¼	do	3.60
Original color (from flat copy)	do	1.80
Duplicate color (2 x 2 cardboard mounted).	do	.30
(Duplicate color slides are slides copied from 35MM color slides only). Slides made from black and white material, or from transparencies larger or smaller than 35MM, will be charged at the same rates shown for black and white and original color slides.		
6. Color transparencies (4 x 5)	do	5.00
7. Color prints		(1)
8. Current USDA slide sets in stock:		
1 to 50 frames		13.00
51 to 60 frames		14.00
61 to 75 frames		15.00
76 to 95 frames		17.50
96 to 105 frames		18.50
106 to 130 frames		21.00
(Prices include printed narrative guide)		
The following can be purchased for the corresponding slide sets above:		
Cassettes		8.00
Records		3.00
Audio-tape		1.50
9. Milk sedimentation standards (5 x 7 Black and white photograph).	Each	1.25
10. Seeds and seedlings (any size)	do	2.40

(1) By quotation.

c. *Aerial photographic reproductions.* No minimum charge on aerial photographic reproductions. All prints are furnished unmounted and untrimmed.

1. *Contact prints.* The prices for contact prints are set forth below. The size refers to the approximate size of the contact print.

	Each
Size 9 x 9 on commercial grade parer	$2.00

For polyester base paper, and $0.75 per contact print (Available from ASCS only).

	Each
Size 70 mm contact prints	$1.25
Size 70 mm contact transparents	2.00

2. *Enlargements* (projection prints). The prices for enlargements of various sizes are set forth below. The size in each case refers to the approximate size of paper required to produce the enlargement ordered.

Size:	Price each
9 x 9 in. (from 70 mm)	$2.00
13 x 13 in	4.00
17 x 17 in	5.00
24 x 24 in	6.00
38 x 38 in	12.00

For larger size reproductions, add $2.00 for each additional 12 inches or fraction thereof, linear measurement.

3. *Aerial photo-index sheets.*

SIZE 20 X 24 INCHES

Quantity:	Price each
Any quantity	$5.00

4. *Film positives.* Contact printed from aerial negatives, size 9 x 9 inches.

Quantity:	Price each
Any quantity	$3.00

5. *Copy negatives.* On film, aerial exposures, size 9 x 9 inches.

Quantity:	Price each
Any quantity	$3.00

6. *Diapositives.* Prints on glass, size 9 x 9 inches, thickness 0.06 inch.

Quantity:	Price each
Any quantity	$10.00

7. *Aperture Cards and Printouts.*

	First unit	Each additional unit
Duplicate of an aperture card	$1.00	$0.10
Aperture card from photoindex sheet	1.00	.25
Printout from aperture card	1.00	.50

8. *Color Photography.* Furnished only by the Regional Forest Service Aerial Photography Laboratories at Ogden, Utah and San Francisco, California, and the Agricultural Stabilization and Conservation Service Aerial Photography Laboratory in Salt Lake City, Utah.

Positive contact print made from negative	$7.00
Enlargements 9x9 inches (from 70 mm)	7.00
Enlargements 13x13 inches	12.00
Enlargements 17x17 inches	15.00
Enlargements 24x24 inches	20.00
Enlargements 38x38 inches	30.00
Color film transparencies (positives or negatives)	
Contacts 70 mm	5.00
Contacts 9x9 inches	12.00
Enlargements 9x9 inches (from 70 mm)	12.00

9. *Special Needs.* For special needs not covered above, persons desiring aerial photographic reproductions should contact the agencies listed in Section 10a or the Coordinator, Aerial Photographic Work of the Department of Agriculture, ASCS, Room 3405, Auditors Building, 14th Street and Independence Avenue SW., Washington, D.C. 20250.

(5 U.S.C. 301; 5 U.S.C. 552; 31 U.S.C. 483a;

and the Delegations of Authority in 7 CFR 2.25(f)(3)(iii), and 7 CFR 2.79(a)(3)(iii).

Dated: January 17, 1975.

GEORGE C. KNAPP,
Deputy Director,
Office of Operations.

[FR Doc.75-2122 Filed 1-22-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

SOUTH CAROLINA

Advanced Notice of Proposed Supplements To Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) (29 U.S.C. 667) for the review of changes and progress in State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 6, 1972, a notice was published in the FEDERAL REGISTER (37 FR 25932) of the approval of the South Carolina Plan and the adoption of Subpart C of Part 1952 containing the decision and describing the plan. On May 23, May 28, July 16, August 19, November 4, and November 8, 1974, the State of South Carolina submitted supplements to the plan involving developmental changes and State initiated changes to the Atlanta Regional Office of the Occupational Safety and Health Administration. Following regional review, the supplements were forwarded to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) for his determination as to whether they should be approved. The supplements are described below.

2. *Description of the supplements.* (a) Legislation. In accordance with the commitment expressed in 29 CFR 1952.103(a), the State submitted amendments to its enabling legislation (§§ 40-261 through 40-274, South Carolina Code of Laws, 1962) which were designed to bring the plan into conformity with the requirements of 29 CFR Part 1902. The legislation was enacted by the South Carolina Legislature during its 1973 session and became effective on June 12, 1973. The legislation provides for the following:

(1) Employer and employee duties;

(2) Provision for informing employees of their protections and obligations under the State Act;

(3) Provision for public participation in the promulgation, modification or revision of rules and regulations;

(4) Procedures for the granting or denial of temporary variances;

(5) Procedures for the granting or denial of permanent variances;

(6) Provision for the right of entry of inspectors to workplaces;

(7) Provision for the posting of citations;

(8) Procedures governing imminent danger situations;

(9) Procedures for the review of citations, penalties, abatement periods or other actions of the Commissioner of Labor by employers and employees;

(10) Sanctions for violations of rules and regulations;

(11) Monitoring and measuring employee exposure to potentially toxic materials or harmful physical agents;.

(12) Provision for employee participation in inspections by accompanying the inspector, and prohibition against loss of wages because of such participation; and

(13) Prohibition against employee discrimination because of the exercise of rights under the State Act.

(b) Regulations. In addition the State has submitted supplements and revisions concerning various other aspects of its plan. Regulations concerning procedures for temporary variances, permanent variances, employee complaints about violations, employee right to participate in inspections, informal conferences following inspections, recordkeeping by small employers, and advance notice of inspections have been revised and are included in the supplements.

(c) Voluntary compliance program. The State has submitted a proposal for a voluntary compliance program which is to be known as a "Taxpayers Assistance Program." The purpose of this program is to provide, through voluntary compliance, safe and healthful places of employment. The program includes onsite consultation and will be staffed initially by three Safety and Health Assistance Officers who will be under the direction of the Chief Standards Officer.

(d) Public employee program. The supplements also include a proposal for a public employee program which will be known as the "Public Sector Assistance Program." This program will provide coverage for employees of State and local governments except that the penalty provisions of the Act will not be applicable to public employers. However, penalties may be assessed where there is a failure to abate an imminent danger or a serious violation. This program will be staffed initially with three Public Sector Assistance Officers who will be responsible to the Chief Standards Officer.

(e) Standards and delegations of authority. The plan has also been revised in a number of areas. As approved, the plan provided for the establishment of a Standards Advisory Council. This council will be eliminated under the revised plan since the State has adopted and will continue to adopt standards promulgated by the Secretary of Labor. However, if it is determined that the State should promulgate its own standards, ad hoc committees may be convened. The plan has been further revised in that the designee, the South Carolina Department of Labor, will assume responsibilities which it had originaly intended to delegate to the South Carolina Liquefied Petroleum Gas Board, the State Fire Marshal and the South Carolina Department of Agriculture.

(f) Reduction in staffing projections. The State also proposes to revise its plan by reducing its staffing projections. As now proposed, the State intends to reduce its ultimate compliance force to 29 safety officers and 6 health officers from the staff of 49 safety officers and 9 health officers originally proposed upon plan approval. The State contends that the proposed staff will provide total coverage of all workplaces at least once every three years.

(g) Occupational health. The designee and the South Carolina Department of Health and Environmental Control have entered into an agreement delegating certain responsibilities for occupational health enforcement activities and laboratory analysis and establishing methods of coordination between the two Departments. A copy of the agreement along with a description of the South Carolina Occupational Health Program are included in the supplements.

(h) Compliance Manual. The State has also submitted a Compliance Operations Manual which is modeled after the Federal manual. Certain sections of the manual have been reserved pending further revisions.

(i) Developmental schedule. The State further proposes to amend its developmental schedule for the completion of its Management Information System from June 30, 1974, to July 1975. The State has completed a manual system and proposes the change in the developmental schedule to convert and expand its system to an automated one by July 1975.

3. *Location of the plan and its supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room 850, 1726 M Street NW., Washington, D.C. 20210; Regional Office, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street NE., Atlanta, Georgia 30309; and the South Carolina Department of Labor, 1710 Gervais Street, Columbia, South Carolina.

4. *Public participation.* Interested persons are hereby given until February 24, 1975, in which to submit written data, views, and arguments concerning whether the supplements should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If in the opinion of the Assistant Secretary, substantial objections are filed which war-

rant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments, and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart C of Part 1952, and initiate further proceedings, if necessary.

Signed at Washington, D.C. this 16th day of January, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-2128 Filed 1-22-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 100a]

GENERAL PROVISIONS FOR DISCRETIONARY PROGRAMS

Copyrightable Materials Developed Under Office of Education Programs

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318), and pursuant to the authority contained in section 403(b)(1) of the General Education Provisions Act, as amended (20 U.S.C. 1221c(b)(1)), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 100a of Title 45 of the Code of Federal Regulations and Appendix A to Subchapter A, Chapter I, Subtitle B of Title 45 CFR as set forth below. These amendments would codify the Office of Education's copyright guidelines, and supersede the document appearing at 35 FR 7317 (May 9, 1970).

1. *Rules governing copyrights.* The regulations set forth below govern the use of copyrightable material developed under Office of Education programs, including provision for obtaining a limited copyright on such materials. The purpose of the regulations is to facilitate the commercial dissemination of materials after they are developed. The regulations are a codification of the current Office of Education copyright guidelines (35 FR 7317, May 9, 1970), and no major change in the substantive rules is intended.

If the regulations set forth in this document are adopted as proposed, the rules governing copyrights would be located in the General Provisions Regulations as follows:

a. The rules governing copyrights by State and local governments (unless an agreement is entered into with the Commissioner under proposed § 100a.221-1) would be set forth in Subpart L (Property Management Requirements) of Part 100a (45 CFR Part 100a), § 100a.217.

b. The rules governing copyrights by recipients other than State and local governments would be set forth in Subpart L-1 (Copyrights-Recipients other than State and Local Governments) of Part 100a (45 CFR Part 100a), §§ 100a.221-100a.226.

c. The rules governing copyright royalties of all recipients, including State and local governments, would be set forth in Subpart M (Program Income) of Part 100a (45 CFR Part 100a), § 100a.234.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all the rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to the U.S. Office of Education copyright policies. Effective 30 days following the publication of these regulations in final form, after comments and public hearing, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting the Office of Education's copyright policies (except those set forth in the Office of Education General Provisions Regulations (45 CFR Subtitle B, Chapter I, Subchapter A), as amended by this document) will be superseded.

3. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

4. *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations, as follows:

A hearing will take place at the U.S. Office of Education on March 26, 1975 in the Auditorium of Regional Office Building Three (ROB-3), 7th and D Streets, SW., Washington, D.C., beginning at 10 a.m.

The purpose of the hearing is to receive comments and suggestions on the published materials.

Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue, SW., Room 2085, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant materials received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9 a.m. and 4:30 p.m., Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Programs Nos. 13.400-13.524, Office of Education)

Dated: August 8, 1974.

DUANE J. MATTHEIS,
Commissioner of Education.

Approved: January 15, 1975.

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

Subchapter A of Chapter I, Subtitle B of Title 45 of the Code of Federal Regulations is amended as follows:

1. Section 100a.217 is amended by revising the section heading, to read as follows:

§ 100a.217 Copyrights—State and local governments.

* * * * *

2. Section 100a.219 is amended by deleting paragraph (a) and by revising the section heading to read as follows:

§ 100a.219 Patents.

(a) [Deleted]

* * * * *

3. A new subpart L-1 is added to read as follows:

Subpart L-1—Copyrights—Recipients Other Than State and Local Governments

Sec.

100a.221	Purpose.
100a.221-1	Scope.
100a.221-2	Copyright policy.
100a.221-3	Definitions.
100a.222	Content of material.
100a.222-1	Publication.
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100a.222-3	Requests for copyright authorization.
100a.223	Scholarly and professional journals and periodicals.
100a.223-1	"Thin market" materials.
100a.223-2	Involvement of producers in development.
100a.224	Decision of the Commissioner.
100a.224-1	Selection of producer.
100a.224-2	Dissemination by recipient.
100a.224-3	General conditions.
100a.224-4	Publications arranged by the Commissioner.
100a.225	Waiver of requirement for limited copyright.
100a.226	Copyright protection during development.

Subpart L-1—Copyrights—Recipients Other Than State and Local Governments

§ 100a.221 Purpose.

The purpose of this subpart is to promote the effective dissemination and use of material in a manner which is fair and equitable to all interested parties—developers, producers, and users.

(20 U.S.C. 1221c(b)(1))

§ 100a.221–1 Scope.

(a) Except as provided in paragraph (b) of this section, this subpart applies only to recipients other than State and local governments.

(b) (1) The Commissioner and a State and local government recipient may, by mutual agreement, make this subpart applicable to one or more awards to that recipient.

(2) If an agreement is entered into under this paragraph: (i) § 100a.217 (Copyrights-State and local governments) shall not apply to those awards, (ii) royalties received during the grant period shall be governed by § 100a.234 (b), and (iii) royalties received after the grant period shall be governed by § 100a.-234(d).

(c) Notwithstanding § 100a.10(b), this subpart shall apply to procurement contracts awarded pursuant to Title 41 of the Code of Federal Regulations as well as awards for assistance.

(20 U.S.C. 1221c(b)(1))

§ 100a.221–2 Copyright policy.

(a) It is the policy of the Office of Education that material resulting from Federally-assisted activities should be used in a manner which will best serve the public interest. This can be accomplished in some situations by distribution of the material without copyright. However, it is recognized that copyright protection may be desirable during development, as an incentive to promote effective dissemination, or otherwise in serving the public interest.

(b) Material which is subject to the provisions of this subpart shall not be copyrighted except as provided under this subpart.

(c) Arrangements for copyright of material for a limited period of time may be authorized by the Commission under appropriate conditions upon a showing satisfactory to the Commissioner that copyright protection will result in more effective development or dissemination of the material or would otherwise be in the public interest.

(20 U.S.C. 1221c(b)(1))

§ 100a.221–3 Definitions.

As used in this subpart:

"Cosponsor" is any person, agency, institution, or organization which contributed materially to a project for developing material. A grantee or contractor may be a cosponsor.

"Development" is the act or process of writing, creating, generating, testing, evaluating, or revising material, as distinguished from the act or process of publishing and disseminating material.

"Dissemination" includes the acts of stocking, selling, delivering, distributing, and installing material.

"Experimental material" is material which is being tested and evaluated under a grant or contract.

"Final material" is material which has been developed to the extent intended under the grant or contract.

"Material" means any copyrightable work resulting from a federally-funded grant or contract.

"Producer" means any publishing or disseminating organization other than the U.S. Government.

"Publication", in addition to the conventional meaning, includes all acts of preparing final material (in any media) for dissemination, and the further acts of disseminating that material (by any method).

"Recipient" (notwithstanding the definition of that term in § 100.1 of this chapter) includes parties who enter into procurement contracts with the Office of Education under Title 41 of the Code of Federal Regulations as well as parties who receive awards of assistance.

"Thin market material" is material for which a limited market and insubstantial publication revenues are anticipated.

(20 U.S.C. 1221c(b)(1))

§ 100a.222 Content of material.

Recipients are free to exercise their best judgments as to the format and intellectual content of material being developed under a project.

(20 U.S.C. 1221c(b)(1))

§ 100a.222–1 Publication.

(a) Recipients may publish or have published material without copyright, may seek authorization for publication under copyright, or may elect not to publish.

(b) (1) If the recipient elects to publish material (or to have it published) without copyright, the recipient may do so, subject to the limitation in § 100a.224–4. Such publication should not be undertaken unless educational objectives will be adequately served by that approach. (2) Neither the recipient nor any of its employees who were involved in the development of material may publish or have published a copyrighted version within twelve (12) months after the publication date of the uncopyrighted version.

(c) If the recipient decides that it is unable or unwilling to publish the material, or to have it published, the recipient shall inform the Commissioner immediately after such decision is made so that other publication arrangements can be made.

(20 U.S.C. 1221c(b)(1))

§ 100a.222–2 Copyright authorization.

(a) The Commissioner may authorize a recipient to obtain publication under copyright and to claim the copyright for a specific period, generally not to exceed five (5) years, upon a showing that the material can best be disseminated under copyright.

(b) If the recipient elects to seek authorization for publication under copyright pursuant to the procedures of this subpart it shall do so at the earliest feasible time, preferably at an early stage in the development of the material.

(20 U.S.C. 1221c(b)(1))

§ 100a.222–3 Requests for copyright authorization.

(a) A request for authorization to secure copyright under § 100a.222–2 shall be submitted to the Commissioner in sufficient time for action before the expiration of the award.

(b) Each request under paragraph (a) of this section shall include:

(1) An identification, by number, of the grant or contract involved, a description of the type or class of material for which request for authorization to secure copyright is being made, and a copy of the material, if available;

(2) The reasons why the material should be disseminated under copyright;

(3) The proposed copyright period and the reasons therefor;

(4) A "Request for Proposals" which the recipient proposes to use should the request for authorization to secure copyright be approved;

(5) A list of prospective producers to be solicited;

(6) The best available indication of the size and nature of the estimated market for the material;

(7) The criteria that will be used to select the successful producer, including the proposed publication and dissemination timetable, approximate price to be charged, experience and capability in the field, royalties to be paid, and other appropriate factors; and

(8) A statement of any other factors which the recipient considers to be pertinent to its request.

(20 U.S.C. 1221c(b)(1))

§ 100a.223 Scholarly and professional journals and periodicals.

In the interest of rapid dissemination of educational information, no restriction is placed upon the publication of educational articles in scholarly or professional journals, or in other periodicals.

(20 U.S.C. 1221c(b)(1))

§ 100a.223–1 "Thin market" materials.

Notwithstanding the requirements of § 100a.222–3, the obligation to obtain competition for publication of thin market materials will be satisfied by the following procedure:

(a) The recipient shall write to those producers (a minimum of three) which would most likely be interested in publishing the material. Each shall be informed that the others are receiving comparable letters. Each letter shall request the producer to specify the terms under which that producer would be willing to publish the material.

(b) The recipient shall furnish copies of the letters to the producers and each response, together with a recommendation for selection and the rationale therefor, with the copyright authorization request to the Commissioner.

(c) The Commissioner will act on the request in accordance with the provisions of § 100a.224.

(d) The Commissioner reserves the right to require the use of the procedure under § 100a.222–3 if he determines that the material is not thin market material.

(20 U.S.C. 1221c(b)(1))

§ 100a.223–2 Involvement of producers in development.

(a) Nothing contained in this subpart shall be interpreted as precluding the involvement of producers in the development of material, provided their involvement is accomplished on a competitive basis so that one producer is not given an undue advantage over other potentially interested producers.

(b) In order to involve producers in the development of material, the "Request for Proposals" specified in § 100a.222–3(b)(4) shall, if desirable, require that the producer perform, in addition to normal publishing and disseminating functions, some additional functions which would normally be identified as development functions. Such additional functions might include, for example, the printing of experimental material and its distribution to a specified audience, the design of equipment, or the production of films.

(c) Involvement of producers in the development phase may be undertaken to:

(1) Attract private investment,

(2) Utilize unique facilities and expertise,

(3) Promote the development of a viable and salable product, where unique installation and use problems are anticipated,

(4) Promote the transition from the development phase to the publication phase, and

(5) Meet other considerations consistent with the purposes of this subpart.

(20 U.S.C. 1221c(b)(1))

§ 100a.224 Decision of the Commissioner.

(a) All requests for authorization to secure copyright will be considered by the Commissioner. The recipient will be notified of the Commissioner's decision.

(b) If the request is denied, the recipient will be advised of the reasons for the denial. In such case, the recipient may request reconsideration within thirty (30) days after receipt of the Commissioner's decision.

(c) If the request is approved, an agreement setting forth the conditions under which the recipient is authorized to secure publication under copyright, including the conditions set forth in § 100a.224–3 and any other conditions deemed appropriate by the Commissioner, will be sent to the recipient for signature. The agreement will authorize the recipient to issue the Request for Proposals to prospective producers, to select a producer, and to prepare a publication and dissemination contract.

(20 U.S.C. 1221c(b)(1))

§ 100a.224–1 Selection of producer.

After receipt and evaluation of the proposals, the recipient shall submit the name of the producer selected and the rationale for selection to the Commissioner for approval of the selection, prior to negotiating final terms of a publication and dissemination contract with the producer selected. The publication and dissemination contract will not be executed until it has been approved by the Commissioner.

(20 U.S.C. 1221c(b)(1))

§ 100a.224–2 Dissemination by recipient.

A recipient which has a dissemination capability may be authorized to disseminate material it has developed, under copyright, subject to appropriate conditions, upon a showing that such dissemination would be in the public interest.

(20 U.S.C. 1221c(b)(1))

§ 100a.224–3 General conditions.

Authorization to publish under copyright shall be subject to such conditions as the Commissioner may deem appropriate, including the following:

(a) The copyright will normally be in the name of the recipient.

(b) Neither the recipient, nor any of its employees, without prior written approval of the Commissioner, shall publish or have published any revision or adaptation of the copyrighted material during such period of time as the Commissioner shall determine, but not to exceed the authorized copyright period.

(c) In addition to the clause required under § 100a.218, a legend which will provide notice of the time limitation imposed by the copyright authorization agreement, in such form as may be designated by the Commissioner, will be placed in a prominent position on the copyrighted work.

(d) Within six (6) months after publication of the copyrighted material, the copyright claim will be registered in the U.S. Copyright Office by the recipient or by the producer for the recipient. The application for registration will state the date after which the copyright may no longer be claimed

(e) With respect to any material for which the securing of copyright protection is authorized pursuant to this subpart, the U.S. Government shall be granted an irrevocable, nonexclusive, and royalty-free license to publish, translate, reproduce, deliver, perform, use, and dispose of all such material for government purposes.

(f) In the event that the Commissioner finds that the recipient has not complied or is unwilling or unable to comply with the terms of the copyright authorization agreement, the Commissioner shall have the right: (1) To publish and disseminate the material or to have the material published and disseminated, either with or without copyright protection, and (2) to take such other action as may be allowable under the copyright authorization agreement or under law or regulations; *Provided*, That the recipient shall be given notice of any action proposed to be taken by the Commissioner and afforded an opportunity to be heard.

(g) In the event that the Commissioner finds that the producer has failed to comply with the terms of the publication and dissemination contract with the recipient, the Commissioner shall have the right: (1) to license others to publish the material covered by the copyright, and (2) to take such other action as may be authorized under the publication and dissemination contract; *Provided*, That the recipient and the producer shall be given written notice of any action proposed to be taken by the Commissioner and afforded an opportunity to be heard.

(h) If the material for which copyright is sought is a product of a project which is funded jointly with another party, the Commissioner may negotiate with the other party with respect to the terms and conditions by which publication under copyright will be authorized. The purpose of the negotiation will be to reach an accommodation in the event such other party has copyright policies which differ from this subpart.

(20 U.S.C. 1221c(b)(1))

§ 100a.224–4 Publications arranged by the Commissioner.

In the event that the recipient is unwilling or unable to undertake the task of obtaining effective dissemination of material in accordance with §§ 100a.222–100a.222–3 or § 100a.223–1, and the Commissioner determines that publication under copyright will promote effective dissemination and use of the material, the Commissioner may undertake the task of arranging for such dissemination. All royalties which are generated will be paid by the publisher to the Commissioner, and the recipient will not share in those royalties.

(20 U.S.C. 1221c(b)(1))

§ 100a.225 Waiver of requirement for limited copyright.

The Commissioner may permit a recipient to secure and claim statutory full term copyright in material, subject only to the requirement that the U.S. Government be granted a royalty free, nonexclusive and irrevocable license to publish, translate, reproduce, deliver, perform, use and dispose of all such material for government purposes, in those situations where the financial support by organizations other than the Federal Government is so great, as compared with the contribution of the Federal Government, that it would be inequitable to require more than this license.

(20 U.S.C. 1221c(b)(1))

§ 100a.226 Copyright protection during development.

(a) There may be occasions where it will be in the public interest to prevent curriculum and other material from falling into the public domain prematurely while it is being developed, tested, and evaluated. Grantees and contractors may take the necessary steps to protect that material during development, testing, or evaluation; *Provided*, That the material shall not be copyrighted without the express approval of the Commissioner.

(b) The Commissioner may approve requests submitted to him in writing to secure copyright and to claim copyright for a limited period of time during development, testing, and evaluation, where it can be demonstrated that such protection is necessary for the effective development of the material. The request shall set forth the reasons why copyright is needed.

(20 U.S.C. 1221c(b)(1))

4. Section 100a.234 is revised to read as follows:

§ 100a.234 Royalties.

(a) *Applicability*—(1) *Copyrights.* This section applies to royalties received by recipients from copyrights on publications or other works developed under a Federally-assisted grant or contract.

(2) *Patents.* This section also applies to royalties received by recipients from patents on inventions conceived or first actually reduced to practice in the course of or under a Federally-assisted grant or contract.

(b) *During the grant period—State and local governments—copyrights and patents.* (1) If the recipient is a State or local government, all royalties received during the grant period shall be retained by the recipient. The terms and conditions of the grant or contract will provide either:

(i) That such royalties shall be used by the recipient for any purposes which further the objectives of the legislation under which the award was made, or

(ii) That such royalties shall be deducted from total project costs for the purpose of determining the net costs on which the Federal share of costs shall be based.

(2) When the recipient is a State or local government, the recipient shall elect either of the alternatives specified in subparagraph (1) of this paragraph if the terms and conditions of the grant or contract do not specify which is to be followed.

(c) *During the grant-period—other recipients—patents.* If the recipient is not a State or local government, disposition of patent royalties received during the grant period shall be governed by § 100a.219(b).

(d) *During and after the grant period—other recipients—copyrights.* (1) This paragraph applies only to copyright royalties (whether received during or after the grant period) of recipients other than State and local governments (except as provided in § 100a.221-1(b).

(2) Each co-sponsor of a project is entitled to share in any royalties from published material (as defined in § 100a.221-3) in proportion to the financial or equivalent contribution to the Federally-assisted project by the co-sponsor.

(3)(i) Except as provided in paragraph (d)(3)(ii) of this section, the recipient shall remit royalties from the sale or rental of copyrighted material to the Commissioner for transmittal to the U.S. Treasury.

(ii) The recipient may retain a portion of the royalty income equal to one of the following amounts, whichever is greater:

(*a*) Fifty percent of the net royalty ("Net royalty" is defined as that amount remaining after deducting any share or shares due to a cosponsor or cosponsors, other than the Federal Government or the recipient); or

(*b*) The percentage which corresponds with the financial contribution to the project by the recipient. (If the recipient elects this alternative, the burden of showing such contribution shall be on the recipient. The Commissioner reserves the right to accept or reject such a showing and to specify the share, not less than 50 percent of the net royalty, to be retained by the recipient.)

(4) Contractors other than nonprofit organizations or agencies are not permitted to share in royalties under paragraph (d)(3) of this section. However, arrangements may be made to allow such contractors to retain royalties to defray administrative expenses, not otherwise recoupable under the contract, which are incurred in obtaining publication of material under copyright in accordance with this subpart.

(20 U.S.C. 1221c(b)(1))

(e) *After the grant period—State and local governments—copyrights.* Except as provided in § 100a.221-1(b)(2), if the recipient is a State or local government, the Federal share of copyright royalties in excess of $200 received annually shall be paid by the recipient to the Federal Government. In such cases, the Federal share of the royalties shall be computed on same ratio basis as the percentage of Federal participation in the cost of the project or program. This percentage of participation shall be determined in accordance with § 100a.220.

(f) *After the grant period—all recipients—patents.* Disposition of patent royalties received after the termination or completion of the period for obligation shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the recipient, pursuant to the Department's patent regulations (Parts 6 and 8 of this title).

(20 U.S.C. 1221c(b)(1); OMB Circular No. A-102, Attachment E)

5. Appendix A to Subchapter A of Chapter I, subtitle B, is amended by revising paragraphs 10-a and 11-b to read as follows:

10. *Copyrights.* (a) Any material of a copyrightable nature produced under the grant shall be subject to the applicable provisions of 45 CFR Part 100a, including, as appropriate, Section 100a.217 (copyrights—State and local governments), subpart L-1 (copyrights—recipients other than State and local governments), and/or the provisions of subpart M (program income). Material produced by trainees or fellows are not considered to be produced under the grant unless they are produced at the direction of the grantee.

* * * * *

11. *Publications.* (a) * * *

(b) Material produced as a result of the grant may be published without prior review by the Commissioner. Five copies of such material shall be furnished to the grants officer. If such material are published for sale, disposition of the proceeds from such sale shall be governed by the applicable provisions in 45 CFR Part 100a, Subpart M (Program Income).

(20 U.S.C. 1221c(b)(1))

[FR Doc.75-2088 Filed 1-22-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 10 and 12]

[CGD 74-226]

LICENSING AND CERTIFICATING OF MERCHANT MARINE PERSONNEL

Notice of Proposed Rulemaking

The Coast Guard is considering amending the regulations concerned with the licensing of deck officers to provide a seaman's entry rating of "apprentice mate," and to accept an approved training program as qualifying experience for a license as Third Mate of ocean steam or motor vessels.

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council (G-CMC/82), Room 8234, 400 Seventh Street SW., Washington, D.C. 20591 (Phone 202-426-1477). Written comments should include the docket number of this notice, the name and address of the person submitting the comments, the specific section of the proposal to which comment is addressed, and the reason for suggested change, if any.

All relevant communications received before March 9, 1975, will be fully considered before final action is taken on this proposal. Copies of comments received will be available for examination in Room 8234. This proposal may be changed in the light of comments received.

The proposed changes will provide a new method of qualification for a license as Third Mate of ocean steam or motor vessels. These provisions will parallel those amendments concerning apprentice engineer which were promulgated in the FEDERAL REGISTER, vol. 31, No. 240 on Tuesday, December 13, 1966, and which are contained in 46 CFR 10.10-21, 11.10-50, and 12.25-35.

The Coast Guard is becoming increasingly aware of the problem of obtaining junior officers, Third Mates and Third Assistant Engineers, who are motivated to follow a career as professional mariners. This situation has created a shortage of shipboard personnel in some segments of the marine industry, particularly in the intermediate officer grades of Chief/Second Mates and First/Second Assistant Engineers.

The analysis contained in a recent U.S. Maritime Administration study, "Deck and Engine Officers in the U.S. Merchant Marine, Supply and Demand, 1974-1984," shows a shortage of deck and engineering officers by the end of the decade and possibly earlier. This shortage was pred-

icated on a U.S. Flag Vessel Forecast, the output of new ship's officers available to the work force, and the attrition rate of these officers. An influencing factor on this shortage is the increasing number of officers who will be required to fill one billet. This increase in manpower requirements is due to recent liberalization of vacation provisions in the industry. Among other things, this study recommended a new supply of officers from industry schools.

Therefore, to assure that vessels of the U.S. Merchant Marine are adequately manned by qualified, trained, and efficient citizen personnel, the Coast Guard is proposing these regulations to provide another source of supply for deck officers.

In June 1974, Southern Maine Vocational Technical Institute at South Portland, Maine, proposed that it could adequately provide the educational part of a proposed curriculum if interested corporations could provide the experience opportunity and lend financial support to the total program. Southern Maine Vocational Technical Institute is one of five such schools operated by the State of Maine, and has been recommended for accreditation by the New England Association of Schools and Colleges. The first formal meeting of representatives of the Institute, Gulf Oil Trading Corporation, the U.S. Maritime Administration, and the Coast Guard was held in South Portland on 26 June 1974. The facilities, including waterfront and training vessels, were considered sufficient to accommodate a new program. As a result, a formal request for approval was prepared and forwarded to the Commandant. In view of the present facilities and equipment, the program to train apprentice mates and apprentice engineers was begun in September 1974 with interim Coast Guard approval.

The program is based on a 3-year course of directed study and practical experience which will be supervised by ships' officers and instructors who will accompany the apprentices on some voyages. Each student accepted as an apprentice must meet the State requirements concerning educational background and must meet the Coast Guard physical standards for an original license. The program will alternate 8 months of academic training with 4 months of underway experience for a total of 36 months, including 12 months aboard ship.

Contingent upon final notice of rule making, interim approval of the program has been given. Longer approval will be granted upon completion of the new building for the Department of Marine Science and Technology, the obtaining of simulator training aids, and continued interest by all parties concerned.

In consideration of the foregoing, it is proposed that Parts 10 and 12 of Title 46 of the Code of Federal Regulations be amended as follows:

1. In § 10.05–33, by amending paragraph (a)(7) by striking "." and inserting "; or ," in place thereof and by adding a new paragraph (a)(8) to read as follows:

§ 10.05–33 Third Mate of ocean steam or motor vessels.

(a) * * *

(8) Satisfactory completion of a three year apprentice mate training program approved by the Commandant.

2. By adding a new § 12.25–40 to read as follows:

§ 12.25–40 Apprentice Mate.

A person enrolled in an apprentice mate training program approved by the Commandant who presents a letter or other documentary evidence that he is so enrolled may be issued a merchant mariner's document as apprentice mate and may be signed on ships as apprentice mate. The endorsement "apprentice mate" may be in addition to other endorsements. However, this endorsement as apprentice mate does not authorize the holder to fill any of the regular ratings.

(R.S. 4405, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416), RS. 4438, as amended (46 U.S.C. 224), R.S. 4438a, as amended (46 U.S.C. 224a), R.S. 4440, as amended (46 U.S.C. 228), R.S. 4551, as amended (46 U.S.C. 643); 46 U.S.C. 672, 689; 49 U.S.C. 1655(b)(1); 49 CFR 1.46 (b)).

Dated: January 16, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75–2124 Filed 1–22–75;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74–NE–60]

PROPOSED DESIGNATION OF TRANSITION AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Rochester, New Hampshire, 700-foot Transition Area.

A review of airspace requirements for the Standard Instrument Approach Procedure serving Sky Haven Airport, Rochester, New Hampshire, has determined the need of a 700-foot Transition Area in order to provide controlled airspace protection for aircraft executing the Standard Instrument Approach Procedure at Sky Haven Airport, Rochester, New Hampshire.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before February 24, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views 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.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Rochester, New Hampshire, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to add the following transition area:

ROCHESTER, NEW HAMPSHIRE

That airspace extending upward from 700-feet above the surface within a 7 mile radius of the Center (Lat. 43°17'00" N., Long. 70°57'00" W.) of the Sky Haven Airport, Rochester, New Hampshire, excluding those portions that coincide with the Sanford, Maine and Portsmouth, New Hampshire 700-foot Transition Areas.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; (49 U.S.C. 1348)] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Burlington, Massachusetts, on January 10, 1975.

WILLIAM E. CROSBY,
Acting Director, New England Region.

[FR Doc.75–2070 Filed 1–22–75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75–SO–3]

DESIGNATION OF TRANSITION AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Kingstree, S.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before February 24, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Kingstree transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Williamsburg County Airport (Lat. 33°43'01" N., Long. 79°51'26" W.); within 3 miles each side of the 307° bearing from Kingstree RBN (Lat. 33°43'04" N., Long. 79°52'23" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Williamsburg County Airport. A prescribed instrument approach procedure to this airport, utilizing the Kingstree (private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this 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(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on January 14, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-2069 Filed 1-22-75;8:45 am]

NATIONAL SECURITY COUNCIL

[32 CFR Ch. XXI]

FREEDOM OF INFORMATION FEES

Notice of Proposed Rule Making

The National Security Council Staff is considering publishing the following regulations concerning the schedule of fees and method of payment for services rendered under the Freedom of Information Act, as amended (5 U.S.C. 552).

Interested persons may comment by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Staff Secretary, Room 374, Old Executive Office Building, National Security Council, Washington, D.C. 20506. All communications received on or before February 16, 1975, will be considered before action is taken on the proposed regulations. No public hearing will be held. The proposal contained in this notice may be changed in the light of the comments received.

Comments received will be available for examination by contacting the Staff Secretary at the address cited above.

SCHEDULES OF FEES AND METHOD OF PAYMENT FOR SERVICES RENDERED

A. Fees schedule for the search and reproduction of information available under the Freedom of Information Act (5 U.S.C. 552), as amended.

1. Search for records—$5.00 per hour when the search is conducted by a clerical employee. $8.00 per hour when the search is conducted by a professional employee. No charge for searches of less than 1 hour.

2. Duplication of records—Records will be duplicated at a rate of $.25 per page for all copying of 4 pages or more. There is no charge for duplicating 3 or less pages.

3. Other—When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or type thereof, the Staff Secretary is authorized to established an appropriate fee based on "direct costs" as provided in the Freedom of Information Act. Examples of services covered by this provision include searches involving computer time or special travel, transportation, or communications costs.

B. If records requested under the Act are stored elsewhere than the headquarters of the National Security Council Staff at Washington, D.C., the special costs of returning such records to the headquarters for review will be added to the search costs. Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the NSC Staff determines that a record which has been requested, but which is exempt from disclosure under the Act, is to be withheld. Processing of a request for records will not be undertaken until a requestor has paid in full for search and duplication charges for any previous document request under the Act.

C. Where is it anticipated that the fees chargeable under this section will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will greatly exceed $25, an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to consult with knowledgeable NSC Staff personnel—designated by the Staff Secretary—in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such a notice or request shall suspend the running of the period for response by the NSC Staff until a reply is received from the requester.

D. Fees must be paid in full prior to issuance of requested copies.

E. Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the order of the Treasurer of the United States and mailed to the Staff Secretary, National Security Council, Washington, D.C. 20506.

F. A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

G. The Staff Secretary, National Security Council, may in accordance with the Freedom of Information Act, as amended, waive all or part of any fee provided for in this section when it is deemed to be in either the interest of the NSC Staff or of the general public.

These regulations are proposed under the authority of 5 U.S.C. 552 as amended by Public Law 93-502.

JEANNE W. DAVIS,
Staff Secretary.

[FR Doc.75-2113 Filed 2-22-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[ATF O 1100.11]

CHIEF, ADMINISTRATIVE PROGRAMS DIVISION

Delegation Order

Settlement of tort claims and claims made by an employee of the Bureau of Alcohol, Tobacco and Firearms for Damage to or Loss of Personal Property Incident to Service.

Pursuant to Treasury Department Order No. 145 (Rev. 3), dated February 13, 1967, and Treasury Department Order No. 177-22 (Rev. 2), dated December 27, 1968, there is hereby delegated to the official listed below the authority to handle the claims as specified:

(a) Chief, Administrative Programs Division.

(1) The authority, under 28 U.S.C. 2672 to consider, ascertain, adjust, determine, compromise, settle, and pay or transmit for payment claims for money damages for injury or loss of property or wrongful act or omission of any employee of the Bureau of Alcohol, Tobacco and Firearms.

(2) The authority to consider, ascertain, adjust, and determine claims under the Act of December 28, 1922, 42 Stat. 1066.

(3) The authority under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, to settle and pay claims made by an employee of the Bureau of Alcohol, Tobacco, and Firearms for damage to or loss of personal property incident to his service.

2. The authorities delegated herein may be redelegated but not below the Protective Programs Officer.

3. This order supersedes ATF Delegation Order No. 8, issued July 1, 1972.

Dated: January 7, 1975.

REX R. DAVIS,
Director.

[FR Doc.75-2117 Filed 1-22-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD; AIR FORCE SYSTEMS COMMAND ARMAMENT DEVELOPMENT AND TEST CENTER ADVISORY MEETING

Closed Meeting

JANUARY 17, 1975.

The Air Force Systems Command Armament Development and Test Center Advisory Group will hold a meeting in room 118, building 1, Eglin Air Force Base, Florida, on February 19 and 20, 1975, from 8:30 a.m. to 4:00 p.m.

The meeting will be closed to the public. The agenda will consist of classified discussions and briefings on matters listed in 5 U.S.C. 552(b)(1) concerning Air Force munitions development programs.

For further information, contact the Scientific Advisory Board Secretariat on 202-697-4648.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.75-2096 Filed 1-22-75;8:45 am]

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE—POLITICO-MILITARY SUB-PANEL

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Politico-Military Sub-Panel of the Chief of Naval Operations Executive Panel Advisory Committee will hold a closed meeting on February 21, 1975, at the Pentagon, Washington, D.C. The session will commence at 9:00 a.m. and terminate at 5:30 p.m.

The agenda will consist of matters which are classified in the interest of national security, including current intelligence, military capabilities, influence of sea power on international policies, and long-range Navy plans. The Secretary of the Navy for that reason has determined in writing that meetings of the Chief of Naval Operations Executive Panel Advisory Committee should be closed to the public because they are concerned with matters listed in section 552(b) of Title 5, United States Code.

Dated: January 16, 1975.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy, Acting Judge Advocate General.

[FR Doc.75-2098 Filed 1-22-75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL PRIVATE SECURITY ADVISORY COUNCIL

Meeting

Notice is hereby given that the National Private Security Advisory Council to the Law Enforcement Assistance Administration will meet February 19 and 20, 1975, at the State Capitol Building, Austin, Texas. The Advisory Council will, in conjunction with this meeting, hold a public hearing on a report containing a proposed model statute for the regulation of security guard services.

The meeting will be open to the public. Any interested person may file a written statement with the Council for its consideration or may appear in person to make a statement on the model statute that will be reviewed by the Council. A copy of the draft model statute will be made available on request.

Statements or requests to make personal appearances should be addressed to: Irving Slott, LEAA, U.S. Department of Justice, Room 1144, 633 Indiana Avenue, NW., Washington, D.C. 20530.

GERALD YAMADA,
Attorney-Advisor, Office of General Counsel.

[FR Doc.75-2112 Filed 1-22-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Correction

In FR Doc. 75-1677 appearing at pg. 3019 in the issue for Friday, January 17, 1975, make the following change:

In the last paragraph, the last sentence beginning, "All relevant comments . . ." the date that now reads "January 18, 1975," should be changed to read, "February 18, 1975,".

Bureau of Land Management

[NM 24243]

NEW MEXICO

Application

JANUARY 15, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc. has applied for a 4 inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28 E.
Sec. 14, N½SW¼, SE¼SW¼;
Sec. 15, S½NE¼, NE¼SE¼;
Sec. 22, SE¼SW¼, SW¼SE¼;
Sec. 23, E½NW¼ and NE¼SW¼.

This pipeline will convey natural gas across 1.962 miles of national resource lands in Eddy County, New Mexico.

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

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, 1717 West Second Street, Roswell, NM 88201.

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

[FR Doc.75-2107 Filed 1-22-75;8:45 am]

[Wyoming 49110]

WYOMING

Proposed Withdrawal and Reservation of Lands

JANUARY 16, 1975.

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Wyoming 49110, for the withdrawal of lands described below, from location and entry under the general mining laws, but not the mineral leasing laws, subject to valid existing rights.

The applicant wishes to assure tenure of the described lands for the protection of identified wildlife, watershed, historical and scenic values.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than February 28, 1975, to the undersigned official of the Bureau of Land Management, Department of the Interior, P.O. Box 1828, Cheyenne, Wyoming 82001.

The Department's regulations, 43 CFR 2351.4(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

BIGHORN NATIONAL FOREST

T. 51 N., R. 84 W.,
Sec. 12, NE¼, E½NW¼, and NE¼SE¼.
T. 52 N., R. 84 W.,
Sec. 23, S½NE¼, E½SW¼, and SE¼;
Sec. 26, NE¼, NE¼NW¼, N½SE¼, and SE¼SE¼.
T. 53 N., R. 84 W.,
Sec. 14, All;
Sec. 15, NE¼NE¼;
Sec. 23, E½;
Sec. 26, NE¼.

The areas described aggregate 2,080 acres.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-2109 Filed 1-22-75;8:45 am]

[Wyoming 49329]

WYOMING

Application

JANUARY 16, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Colorado Interstate Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 12 N., R. 99 W.,
Sec. 17, E½E½ and SW¼SE¼;
Sec. 20, lot 3.

The pipeline will convey natural gas from the Burch Federal #13-9 well in sec. 9, T. 12 N., R. 99 W. to an existing pipeline in sec. 13, T. 12 N., R. 100 W., 6th P.M., Wyoming.

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

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-2108 Filed 1-22-75;8:45 am]

National Park Service

NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held at 1:30 p.m. on Monday, February 10, 1975, in Room 234 at the National Capital Parks Headquarters, 1100 Ohio Drive, SW., Washington, D.C.

The committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials, and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital region.

The members of the committee are as follows:

Director, National Park Service, Chairman
Washington, D.C.

Mr. George M. White
Architect of the Capitol
Washington, D.C.

General Mark W. Clark
Chairman, American Battle
Monuments Commission
Washington, D.C.

Mr. J. Carter Brown
Chairman, Fine Arts Commission
Washington, D.C.

Mr. William H. Press
Chairman, National Capital
Planning Commission
Washington, D.C.

Honorable Walter E. Washington
Mayor of the District of Columbia
Washington, D.C.

Mr. Larry F. Roush
Commissioner, Public Buildings Service
Washington, D.C.

The purpose of this meeting is to discuss a proposed memorial to be erected in the District of Columbia or its environs. The proposed memorial to be considered is:

S. 4141—Authorizing the erection of a statue to commemorate Founding of Marine Barracks, Washington, District of Columbia, by President Thomas Jefferson.

Also to be considered is the relocation of the Major General George C. Meade Memorial.

The meeting will be open to the public. Any person may file with the committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Mr. Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at area code 202-426-6715. Minutes of the meeting will be available for public inspection two weeks after the meeting at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Date: January 8, 1975.

MANUS J. FISH, Jr.,
Director, National Capital Parks.

[FR Doc. 75-2084 Filed 1-22-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

NATIONAL PEANUT ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the National Peanut Advisory Committee on

February 14, 1975, beginning at 9 a.m., in Room 218–A, U.S. Department of Agriculture, Washington, D.C. 20250.

The purpose of the meeting is to advise the Secretary of Agriculture and other officials on domestic and export requirements for peanuts, production adjustment and stabilization programs, and other matters relating to this commodity. The meeting will be open to the public. Any member of the public may file a written statement with the Committee before or within one week following the meeting.

The names of the members of the Committee, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Mr. William L. Lanier, Director, Tobacco and Peanut Division, Room 6741–S, U.S. Department of Agriculture, Washington, D.C. 20250.

Signed at Washington, D.C. on January 20, 1975.

WILLIAM L. LANIER,
Executive Secretary, National Peanut Advisory Committee.

[FR Doc.75–2171 Filed 1–22–75;8:45 am]

Farmers Home Administration

[Designation No. A125]

GEORGIA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following county in Georgia:

WILCOX

The Secretary has found that this need exists as a result of a natural disaster consisting of drought June 1 to July 20 and excessive rainfall July 21 to August 30, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendations of former Governor Jimmy Carter that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 17, 1975, for physical losses and October 15, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 17th day of January, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75–2118 Filed 1–22–75;8:45 am]

[Designation No. A126]

ILLINOIS

Designation of Emergency Areas

The Secreary of Agriculture has found that a general need for agricultural credit exists in the following counties in Illinois:

Douglas Marion

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall and flooding from May 1 to June 22, 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 Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Daniel Walker that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 17, 1975, for physical losses and October 15, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 17th day of January, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75–2119 Filed 1–22–75;8:45 am]

[Designation No. A127]

MISSISSIPPI

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Mississippi:

De Soto Lafayette Sunflower

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall April 22 to June 30, 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 Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor William L. Waller that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 15, 1975, for physical losses and October 17, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 17th day of January, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75–2120 Filed 1–22–75;8:45 am]

Forest Service

ENVIRONMENTAL STATEMENTS UNDER PREPARATION AS OF DECEMBER 15, 1974

A list of environmental statements is here published to provide timely public information on the status of Forest Service environmental statements under preparation as of December 15, 1974. Persons interested in a particular action and environmental statement should contact the responsible official directly.

For ease in use of this list, statements are grouped by Forest Service organizational units proposing the action. Statements marked with an asterisk indicate, in total or in part, land use planning, developments, or activities within inventoried roadless areas. National Forest inventoried roadless areas are defined as roadless and undeveloped areas 5,000 acres or larger, except that smaller areas adjoining existing Wilderness and Primitive Areas could be included. Existing Wilderness and Primitive Areas are excluded from this definition.

Forest Service field addresses are given at the end of the listing of environmental statements.

Dated: January 14, 1975.

R. MAX PETERSON,
Deputy Chief, Forest Service.

FOREST SERVICE ENVIRONMENTAL STATEMENTS UNDER PREPARATION AS OF 12/15/74

WASHINGTON OFFICE

USDA, Forest Service, 12th St. and Independence Ave. SW., Washington, D.C. 20250

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
*Flathead River, Wild and Scenic River Proposal.	Flathead National Forest, Mont.	Legislation	Chief	September 1973.	
Flaming Gorge NRA General Mgt. Plan.	Ashley National Forest, Utah.	Land use plan.	do	January 1975.	June 1975.
*Regulations for Protection of Surface Values of Federal Lands.	Sawtooth National Forest, Idaho.	Legislation	do	November 1974.	March 1975.
Salmon River Wild and Scenic River Prop.	Idaho	do	do	do	Do.
*Teton Corridor Wilderness Classification.	Bridger-Teton National Forest, Wyo.	do	do	July 1975	December 1975.
*North Fork American River Wild and Scenic.	Tahoe National Forest, Calif.	do	do		
Triangle Ranch Wetlands	Modoc National Forest, Calif.	Land exchange.	do	September 1974.	February 1975.
*Land Acquisition from Southern Pacific Land Co.	Shasta-Trinity National Forest, Calif.	Land acquisition.	do		
Skagit Wild and Scenic River Study.	Mount Baker, Snoqualmie National Forest, Wash.	Legislation	do	January 1975.	November 1975.
Oregon Dunes NRA	Siuslaw National Forest, Oreg.	Wilderness study.	do	October 1974.	March 1975.
*Illinois River Study	Siskiyou National Forest, Oreg.	Legislation	do	October 1975.	April 1976.
Pere Marquette National Scenic River.	Manistee National Forest, Mich.	do	do	February 1974.	March 1975.
Land for Land Exchange with Inland Steel Co.	Superior National Forest, Minn.	Land use plan.	do	November 1973.	February 1975.
Open Pit Copper and Nickel Mining.	do	do	do	June 1976	December 1976.
Portage-Twelve Mile	Stikine area, Alaska	Timber sale	do	September 1974.	January 1975.
1975 Draft Environmental Statement Addendum to the 1974 Gypsy Moth.	Northeastern United States.	Aerial application of insecticide.	do	December 1974.	March 1975.

REGIONAL OFFICE
MISSOULA, MONTANA

REGION 1

Northern Region, USDA, Forest Service, Federal Building, Missoula, Mont. 59801

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
*Coyote Creek	Beaverhead National Forest, Mont.	Timber sale	Forest supervisor.	January 1975.	April 1975.
*Bloody Dick	do	Resource plan.	do	do	Do.
*Bull Creek	do	Timber sale	do	do	Do.
*Tie Creek	do	do	do	do	Do.
*Johnny Gulch	do	do	do	do	Do.
*Bitterroot South	Bitterroot National Forest, Mont.	Land use plan.	do	February 1975.	May 1975.
Sapphires Planning Unit	do	do	do	March 1975	June 1975.
*Lower West Fork	do	do	do	February 1975.	Do.
*Warm Springs-Medicine Tree	do	do	do	do	Do.
Little Sleeping Child-Rye	do	do	do	May 1975	September 1975.
Timber Management Plan	Bitterroot National Forest, Mont.	Resource Plan	Regional forester.	March 1975	July 1975.
Emerald Creek	St. Joe National Forest, Idaho.	Land use plan.	Forest supervisor.	February 1975.	
Siwash	do	do	do	do	
Canyon-Snow Peak	do	do	do	do	
Timber Management Plan	do	Resource plan.	Regional forester.	April 1975	
St. Joe Wild and Scenic River Study.	do	do	do	February 1975.	
Horsebeaven-Bumblebee	Coeur d'Alene National Forest, Idaho.	Land use plan.	Forest supervisor.	March 1975	
Timber Management Plan	do	Resource plan.	Regional forester.	do	
Napoleon	Kaniksu National Forest, Idaho.	Land use plan.	Forest supervisor.	February 1975.	
Lakeview	do	do	do	January 1975.	
Beaver Creek	do	do	do	April 1975	
Smith Creek	do	do	do	February 1975.	

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
Lamb-Lower West Branch	do	do	do	April 1975	
Temple Land Use Plan	do	do	do	March 1975	
Blacktail Planning Unit	do	do	do	February 1975.	
Elk Summit	Clearwater National Forest, Idaho.	do	do	February 1974.	January 1975.
Elk River	do	do	do	February 1975.	August 1975.
Aquarius-Butte Creek	do	do	do	do	Do.
Pryor Mountains	Custer National Forest, Mont.	do	do	December 1974.	February 1975.
Beartooth Highway	Custer, Gallatin, Shoshone National Forest's, Mont. and Wyo.	do	Forest supervisors.	January 1975.	May 1975.
Rolling Prairie	Custer National Forest, N. Dak.	do	Forest supervisor.	December 1974.	July 1975.
Beartooth Face	Custer National Forest, Mont.	do	do	March 1975	November 1975.
Cave Hills-Slim Buttes	Custer National Forest, S. Dak.	do	do	May 1975	December 1975.
Ashland Division	Custer National Forest, Mont.	do	do	December 1975.	May 1976.
Basin Unit Plan	Deerlodge National Forest, Mont.	do	do	January 1975.	July 1975.
North End Plan	do	do	do	do	Do.
Forest Transportation Plan	do	Road construction and maintenance.	do	do	Do.
Forest Timber Plan	do	Resource plan.	Regional forester.	do	Do.
Island Planning Unit	Flathead National Forest, Mont.	Land use plan.	Forest supervisor.	February 1975.	May 1975.
*Bunker-Sullivan Unit Plan	do	do	do	do	Do.
*Logan Planning Unit	do	do	do	do	Do.
*Lake Five Planning Unit	do	do	do	July 1974	January 1975.
Big Mountain Ski Resort Master Plan.	do	Expansion of winter sports area.	do	February 1975.	June 1975.
Cedar Bassett	Gallatin National Forest, Mont.	Land use plan.	do	August 1973	May 1975.
Hebgen Lake	do	do		December 1974	March 1975.
West Yellowstone	do	do	do	April 1975	August 1975.
Ski Yellowstone	do	Winter sports	do	March 1975	June 1975.
Big Tepee Creek	do	Timber sale	do	February 1974.	February 1975.
South Fork Swan Creek	do	do	do	do	Do.
Elkhorn Planning Unit	Helena National Forest, Mont.	Land use plan.	do	April 1974	April 1975.
Colorado-Unionville-Travis Planning Unit.	do	do	do	June 1975	April 1976.
East Belts Unit Plan	do	do	do	September 1975.	July 1976.
Mike Horse Planning Unit	do	do	do	January 1976	November 1976.
Magpie-Confederate Plan Unit.	do	do	do	October 1975	September 1976.
Ophir Dog-McDonald Pass	do	do	do	January 1976	November 1976.
Nevada-Ogden	do	do	do	June 1976	April 1977.
*Upper Fisher Unit Plan	Kootenai National Forest, Mont.	do	do	May 1974	January 1975.
*Eureka-Grave Creek	do	do	do	do	February 1975.
*Callahan Planning Unit	do	do	do	July 1974	April 1975.
*West Kootenai Unit Plan	do	do	do	January 1975.	August 1975.
*Cross Mountain	do	do	do	do	September 1975.
*O'Brien Planning Unit	do	do	do	February 1975.	October 1975.
*Seventeenmile Unit Plan	do	do	do	March 1975	November 1975.
*Dickey-Sunday	do	do	do	April 1975	December 1975.
Big Swede Unit Plan	do	do	do	May 1975	January 1976.
Pinkham Planning Unit	do	do	do	June 1975	March 1976.
*Keeler Unit Plan	do	do	do	August 1975	April 1976.
Little Snowies	Lewis and Clark National Forest, Mont.	do	do	February 1975.	June 1975.
Rocky Mountain Front	do	do	do	do	Do.
Smith River Unit	do	do	do	do	Do.
Logging-Pilgrim Creek	do	do	do	April 1975	August 1975.
Castle Mountains	do	do	do	March 1975	July 1975.
Eagle Smokey Mountain	do	do	do	February 1975.	June 1975.
Yogo Bear Park	do	do	do	do	Do.
Cherry Creek	Lolo National Forest, Mont.	do	do	April 1975	October 1975.
Deerhorn Unit Plan	do	do	do	January 1975.	July 1975.
Ward-Eagle Unit Plan	do	do	do	August 1974	March 1975.
North Cutoff-Kennedy	do	do	do	February 1975.	August 1975.
Ninemile Unit Plan	do	do	do	do	Do.
Petty Mountain	do	do	do	January 1975.	July 1975.
Coordinated Interim Timber Harvest and Road Construction.	do	Resource plan.	do	February 1975.	August 1975.

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
Kelly Bullion Unit Plan	Nesperce National Forest, Idaho.	Land use plan.	do	June 1974	March 1975.
Red River Unit Plan	do	do	do	March 1975	September 1975.
Stillman Point	do	do	do	February 1975.	June 1975.
Rainy Day Planning Unit	do	do	do	January 1975.	Do.
Slate Creek Planning Unit	do	do	do	May 1975	October 1975.
Hot Point Planning Unit	do	do	do	do	Do.

REGIONAL OFFICE

DENVER, COLORADO

REGION 2

Rocky Mountain Region, USDA, Forest Service, 11177 West Eighth Ave., P.O. Box 25127, Denver, Colo. 80225

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
*East Fork Troublesome Creek.	Arapaho National Forest, Colo.	Land use plan.	Forest supervisor, Routt National Forest.	April 1976	November 1976.
Timber Management	do	Resource plan.	Regional forester.	December 1974.	April 1975.
Snake River Unit	do	Land use plan.	Forest supervisor, White River National Forest.	January 1975	May 1975.
Timber Management	Bighorn National Forest, Wyo.	Resource plan.	Regional forester.	December 1974.	April 1975.
Timber Management	Grand Mesa-Uncompahgre National Forests, Colo.	do	do	do	Do.
Do	Gunnison National Forest, Colo.	do	do	do	Do.
*East River	Gunnison and White River National Forests, Colo.	Land use plan.	Forest supervisors.	June 1975	September 1975.
*Grand Mesa-Muddy Creek	Gunnison-Grand Mesa National Forests, Colo.	do	Forest supervisor.	do	Do.
*Savage Run	Medicine Bow National Forest, Wyo.	do	do	January 1975	April 1975.
Ryan Park	do	Winter sports site.	do	March 1975	June 1975.
Timber Management	do	Resource plan.	Regional forester.	December 1974.	April 1975.
*Southern San Juan Mountains.	Rio Grande National Forest, San Juan National Forest, Colo.	Land use plan.	Forest supervisors.	December 1975.	April 1976.
*South Fork	Rio Grande National Forest, Colo.	do	Forest supervisor.	January 1975	April 1975.
Timber Management	do	Resource plan.	Regional forester.	December 1974.	Do.
*Bears Ears Unit	Routt National Forest, Colo.	Land use plan.	Forest supervisor.	February 1975.	June 1975.
*Blacktail	do	do	do	do	Do.
*Mount Welba	do	do	do	do	Do.
Timber Management	do	Resource plan.	Regional forester.	October 1974	March 1975.
*Storm Peak	San Juan National Forest, Colo.	Land use plan.	Forest supervisor.	March 1975	June 1975.
*First Fork	do	do	do	do	Do.
Timber Management	do	Resource plan.	Regional forester.	February 1975.	Do.
Beartooth Highway Unit (with region 1).	Shoshone, Gallatin, and Custer National Forest's, Mont. and Wyo.	Land use plan.	Forest supervisors.	June 1975	December 1975.
Timber Management	Shoshone National Forest, Wyo.	Resource plan.	Regional forester.	February 1975.	June 1975.
*Thompson Creek Management Unit.	White River National Forest, Colo.	Land use plan.	Forest supervisor.	January 1975.	May 1975.
*Upper Eagle Unit	do	do	do	April 1975	December 1975.
Marble Winter Sports Site	do	Winter sports site.	do	April 1973	May 1975.

REGIONAL OFFICE

ALBUQUERQUE, NEW MEXICO

REGION 3

Southwestern Region, USDA, Forest Service, 517 Gold Ave. SW., Albuquerque, N. Mex. 87102

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
*Amax Road-Blue Range Primitive Area.	Apache-Sitgreaves National Forest, Ariz.	Road	Regional forester.	June 1975	October 1975.
Black River	do	Land use plan.	Forest supervisor.	February 1975.	July 1975.
Aquatic Weed Control	do	Herbicide	Regional forester.	March 1974	January 1975.
Timber Management Plan	Sitgreaves National Forest Ariz.	Resource plan.	do	March 1975	June 1975.
Taos Ski Valley Expansion	Carson National Forest, N. Mex.	Winter sports site.	do	April 1974	September 1975.
Sipapu Ski Area Expansion	do	Winter sports	do	June 1975	October 1975.
*Sandia Mountain	Cibola National Forest, N. Mex.	Land use plan.	Forest supervisor.	November 1973.	January 1975.
*Manzano Mountain	do	do	od	March 1975	December 1975.
Sandia Peak Tram. Co	do	Land exchange.	Regional forester.	November 1974.	March 1975.
*Bokum Resource Corp. Mineral Entry.	do	Resource plan	do	December 1974.	May 1975.
Cinder Hills	Coconino National Forest, Ariz.	Land use plan.	Forest supervisor.		
Oak Creek	do	do	do	May 1975	August 1975.
Woods Canyon	do	do	do	January 1975.	May 1975.
Stumpwood Harvest Plan	do	Harvest plan	do	February 1975.	August 1975.
*Santa Catalina	Coronado National Forest, Ariz.	Land use plan	do	November 1974.	June 1975.
Huachuca	do	do	do	June 1975	December 1975.
Swift Trail	do	Road	Regional forester.	February 1975.	August 1975.
Anamax Land Exchange (Previously reported as Anaconda).	do	Land exchange.	do	April 1975	July 1975.
South Kaibab Timber Management Plan.	Kaibab National Forest, Ariz.	Resource plan	do	March 1975	Do.
Williams Land Use Plan	do	Land use plan.	Forest supervisor.	do	September 1975.
Phelps-Dodge-FS Land Exchange.	Prescott National Forest, Ariz.	Land exchange.	Regional forester.	January 1975.	June 1975.
Clarkdale-Williams Highway No. 279.	do	Road	do	February 1972.	February 1975.
Timber Management Plan	do	Resource plan	do	February 1975.	June 1975.
Gallina Unit	Santa Fe National Forest, N. Mex.	Land use plan.	Forest supervisor.	December 1974.	Do.
*Dome Roadless Area	do	do	do	do	Do.
*Pecos Land Use Plan	do	do	do	June 1975	December 1975.
Cholla Project	Tonto, Apache, Sitgreaves National Forests, Ariz.	do	Regional forester.	August 1974	February 1975.
Mogollon Rim	Tonto, Apache, Sitgreaves and Coconino National Forests, Ariz.	do	Forest supervisor.	January 1974	March 1975.
Salt River Project, Pinnacle Peak Goldfield Transmission Line.	Tonto National Forest, Ariz.	Powerline	Regional forester.	June 1975	October 1975.
Plant Control Program	Regionwide	Land treatment.	do	April 1974	January 1975.
Vegetation Control by Mechanical, Chemical and Fire Treatment.	Apache, Sitgreaves, Carson, Gila, Coconino, Coronado, Lincoln, and Tonto National Forests, Ariz. and N. Mex.	do	do	June 1974	December 1974.
Arizona Adjustment Plan	Apache, Sitgreaves, Coconino, Kaibab, Prescott, and Tonto National Forests, Ariz.	Landownership.	do	December 1974.	March 1975.

REGIONAL OFFICE

OGDEN, UTAH

REGION 4

Intermountain Region, USDA, Forest Service, 324 25th St., Ogden, Utah 84401

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
Timber Management Plan	Ashley National Forest, Utah.	Resource plan.	Regional forester.	April 1975	October 1975.
Long Park Reservoir	do	Reservoir construction.	Forest supervisor.	June 1975	November 1975.
*Bear Valley Planning Unit	Boise National Forest, Idaho.	Land use plan	do	December 1974.	March 1975.
*Idaho City Planning Unit	do	do	do	do	April 1975.
*Landmark Planning Unit	do	do	do	do	Do.
*Mountain Home Planning Unit.	do	do	do	August 1974	December 1974.
*Middle Fork Boise Planning Unit.	do	do	do	January 1975	May 1975.
Shafer Planning Unit	do	do	do	do	April 1975.
*South Fork Payette Planning Unit.	do	do	do	December 1974.	Do.
*South Fork Salmon Planning Unit.	Boise and Payette National Forests, Idaho.	do	Forest supervisors.	do	Do.
*Garden Valley Planning Unit.	Boise National Forest, Idaho.	do	Forest supervisor.	January 1975	May 1975.
*Squaw Creek Planning Unit	do	do	do	February 1975.	June 1975.
*Cascade Planning Unit	do	do	do	January 1975	May 1975.
*Big Piney Planning Unit	Bridger-Teton National Forest, Wyo.	do	do	do	Do.
*West Slope of Wind River Mountains Planning Unit.	do	do	do	July 1975	November 1975.
*Union Pass Planning Unit	do	do	do	January 1975	May 1975.
*Boulder Lake Powerline	do	Powerline in inventoried roadless area.	do	July 1974	January 1975.
*Greys River Planning Unit	do	Land use plan.	do	March 1975	July 1975.
Bighorn Winter Sports	Caribou National Forest, Idaho.	Winter sports site.	do	November 1974.	February 1975.
*Pioneer Mountains	Challis and Sawtooth National Forests, Idaho.	Land use plan	do	February 1975.	June 1975.
*Boulder Mountain Unit	Dixie National Forest, Utah.	do	do	October 1974.	January 1975.
*Markagunt Plateau	do	do	do	January 1975	June 1975.
*Salina Planning Unit	Fishlake National Forest, Utah.	do	do	February 1975.	July 1975.
*Mount Moriah	Humboldt National Forest, Nev.	do	do	do	June 1975.
*Ruby Mountains	do	do	do	December 1974.	April 1975.
*Monticello Planning Unit	Manti-LaSal National Forest, Utah.	do	do	January 1975	May 1975.
*Council Planning Unit	Payette National Forest, Idaho.	do	do	March 1975	July 1975.
*McCall Planning Unit	do	do	do	April 1975	Do.
*New Meadows Planning Unit.	do	do	do	March 1975	Do.
*Warren Planning Unit	do	do	do	December 1974.	April 1975.
Payette Timber Management Plan.	do	Resource plan.	Regional forester.	March 1975	July 1975.
*Silverleads Planning Unit	Salmon National Forest, Idaho.	Land use plan.	Forest supervisor.	August 1974	December 1974.
*Red Rock Planning Unit	do	do	do	October 1974	January 1975.
*Moose Creek Basin Planning Unit.	do	do	do	December 1974.	April 1975.
Bigwood Ski Area	Sawtooth National Forest, Idaho.	Winter sport site.	do	September 1974.	March 1975.
*Black Pine Planning Unit	do	Land use plan.	do	January 1975.	June 1975.
*Sawtooth NRA General Management Plan.	do	do	Regional forester.	April 1974	February 1975.
*Albion Planning Unit	do	do	Forest supervisor.	December 1975.	April 1976.
*West Slope Tetons Planning Unit.	Targhee National Forest, Idaho.	do	do	February 1975.	June 1975.
*Island Park Planning Unit	do	do	do	June 1975	October 1975.
*Central Nevada Land Use	Toiyabe National Forest, Nev.	do	do	January 1975	May 1975.
*Four Seasons Ski Area	Uinta National Forest, Utah.	Winter sport site.	do	September 1975.	March 1976.
Strawberry Planning Unit	do	Land use plan	do	June 1975	January 1976.
*North Slope of the High Uintas Land Use Plan.	Wasatch National Forest, Utah.	do	do	March 1975	August 1975.
*Kamas Land Use Plan	do	do	do	June 1975	October 1975.

REGIONAL OFFICE

SAN FRANCISCO, CALIFORNIA

REGION 5

California Region, USDA, Forest Service, 630 Sansome St., San Francisco, Calif. 94111

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
*San Gabriel Planning Unit	Angeles National Forest, Calif.	Land use plan.	Forest supervisor.	April 1975	February 1976.
*Valencia Planning Unit	do	do	do	June 1976	December 1976.
Trabuco Canyon Planning Unit.	Cleveland National Forest, Calif.	do	do	December 1975.	May 1976.
*Palomar Mt. Planning Unit	do	do	do	January 1975.	June 1975.
Laguna-Morena Planning Unit.	do	do	do	January 1976.	June 1976.
*Trabuco District	do	do	do	December 1975.	May 1976.
Eldorado National Forest Timber Management Plan.	Eldorado National Forest, Calif.	Resource plan.	Regional forester.	March 1975	July 1975.
Volcanoville Planning Unit	do	Land use plan.	Forest supervisor.	February 1975	Do.
*Mammoth Planning Unit	Inyo National Forest, Calif.	do	do	do	June 1975.
June Lake Planning Unit	do	do	do	do	Do.
Mono Basin Planning Unit	do	do	do	June 1975	October 1975.
Bishop Creek Planning Unit	do	do	do	February 1975.	June 1975.
Mount Whitney Planning Unit.	do	do	do	June 1975	October 1975.
Inyo National Forest Timber Management Plan.	do	Resource plan.	Regional forester.	June 1976	October 1976.
*King Planning Unit	Klamath National Forest, Calif.	Land use plan.	Forest supervisor.	February 1975.	July 1975.
*Grider Planning Unit	do	do	do	June 1975	October 1975.
*Proposed General Plan for Management of National Forest Lands in the Lake Tahoe Basin.	Lake Tahoe Basin Management Unit, California and Nevada.	do	Lake Tahoe Basin Administrator.	August 1973	June 1975.
*Sierra-Pacific Powerline, Buckeye to Round Hill.	Lake Tahoe Basin Management Unit and Toiyabe National Forest, Nev.	Transmission line.	Regional foresters (R-4 and R-5).	March 1975	July 1975.
Lassen National Forest Timber Management Plan.	Lassen National Forest, Calif.	Resource plan.	Regional forester.	September 1974.	February 1975.
*Almanor Planning Unit	do	Land use plan.	Forest supervisor.	July 1975	November 1975.
Big Sur Coastal Planning Unit.	Los Padres National Forest, Calif.	do	do	March 1975	September 1975.
*Mount Pinos Planning Unit	do	do	do	June 1975	December 1975.
*Middle Eel Planning Unit	Mendocino National Forest, Calif.	do	do	do	January 1976.
Mendocino National Forest Timber Management Plan.	do	Resource plan.	Regional forester.	do	October 1975.
Hayden Hill Planning Unit	Modoc National Forest, Calif.	Land use plan.	Forest supervisor.	May 1975	September 1975.
Modoc National Forest Timber Management Plan.	do	Resource plan	Regional forester.	December 1974.	May 1975.
Warner Mountain Planning Unit.	do	Land use plan.	Forest supervisor.	July 1976	August 1977.
*Mohawk Planning Unit	Plumas National Forest, Calif.	do	do	May 1975	November 1975.
Plumas National Forest Timber Management Plan.	do	Resource plan.	Regional forester.	January 1975.	June 1975.
Feather Falls Planning Unit	do	Land use plan.	Forest supervisor.	July 1976	November 1976.
Timber Management Plan	Angeles, Cleveland, Los Padres, and San Bernardino National Forests, Calif.	Resource plan.	Regional forester.	October 1975	March 1976.
Big Bear Basin Planning Unit.	San Bernardino National Forest, Calif.	Land use plan.	Forest supervisor.	March 1975	August 1975.
Mineral King	Sequoia National Forest, Calif.	Recreation	Regional forester.	December 1974.	July 1975.
*Little Kern Planning Unit	do	Land use plan.	Forest supervisor.	March 1975	August 1975.
Sequoia National Forest Timber Management Plan.	do	Resource plan.	Regional forester.	October 1975	March 1976.
Shasta-Trinity National Forest Timber Management Plan.	Shasta-Trinity National Forest, Calif.	do	do	June 1974	February 1975.
*Upper Trinity Planning Unit.	do	Land use plan.	Forest supervisor.	November 1974.	March 1975.
*Mount Shasta Planning Unit	do	do	do	December 1976.	June 1977.
*NRA Planning Unit	do	do	do	April 1975	August 1975.
*Girard-McCloud Planning Unit.	do	do	do	July 1976	December 1976.
*South Fork Mountain Planning Unit.	do	do	do	February 1976.	July 1976.

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
*Aspen-Horsethief	Sierra National Forest, Calif.	Timber sales	do	September 1974.	March 1975.
Sierra National Forest Timber Management Plan.	do	Resource plan.	Regional forester.	July 1975	December 1975.
Rancheria	do	Land use plan.	Forest supervisor.	August 1975	Do.
*Kings River Planning Unit	do	do	do	May 1976	November 1976.
*Upper San Joaquin Planning Unit.	do	do	do	do	Do.
*Pineridge-Kaiser Planning Unit.	do	do	do	do	Do.
Chiquito-Bass Lake Planning Unit.	do	do	do	do	Do.
*Mariposa Planning Unit	do	do	do	do	Do.
*Eightmile-Blue Creek Planning Units.	Six Rivers National Forest, Calif.	do	do	November 1974.	March 1975.
*Siskiyou Planning Unit	do	do	do	July 1975	February 1976.
*Horse Linto Planning Unit	do	do	do	October 1975.	March 1976.
*Truckee-Little Truckee Planning Unit.	Tahoe National Forest, Calif.	do	do	June 1975	December 1975.
Tahoe National Forest Timber Management Plan.	do	Resource plan.	Regional forester.	August 1975	February 1976.
*Forresthill-Hell Hole Planning Unit.	Eldorado and Tahoe National Forests, Calif.	Land use plan.	Forest supervisor.	June 1976	December 1976.

REGIONAL OFFICE
PORTLAND, OREGON
REGION 6

Pacific Northwest Region, USDA, Forest Service, 319 Southwest Pine St., Portland, Oreg. 97208

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
*Willamette National Forest, Land Use Plan.	Willamette National Forest, Oreg.	Land use plan.	Forest supervisor.	January 1975	June 1975.
Willamette National Forest, 10-year Timber Management Plan.	do	Resource plan.	Regional forester.	do	Do.
Breitenbush Geothermal Development.	do	do	Forest supervisor,	do	Do.
Rock Mess Pumice Mining	do	do	Regional forester.	April 1975	September 1975.
*Chelan Planning Unit	Wenatchee and Mount Baker-Snoqualmie National Forest, Wash.	Land use plan.	do	December 1974.	May 1975.
Naches Pass Road	Wenatchee National Forest, Wash.	Road construction.	Forest supervisor.	January 1975	September 1975.
Bren Mac Mines	Mount Baker-Snoqualmie National Forest, Wash.	Access road and mining.	do	March 1975	July 1975.
*Naches-Tieton-White River Planning Unit.	do	Land use plan.	do	January 1975	May 1975.
*Mount Baker Planning Unit	do	do	do	do	Do.
*Drift Creek	Siuslaw National Forest, Oreg.	do	do	September 1974.	March 1975.
Oregon Dunes NRA	do	Management plan.	do	do	Do.
Soleduck Planning Unit	Olympic National Forest, Wash.	Land use plan.	do	October 1974	Do.
*Huckleberry Planning Unit	Mount Hood National Forest, Oreg.	do	do	May 1974	February 1975.
*Eagle Creek Planning Unit	do	do	do	January 1974	January 1975.
Timberline Lodge	do	Recreation site.	do	September 1974.	May 1975.
Mt. Hood TM Plan	do	Resource plan.	Regional forester.	March 1975	September 1975.
*Twisp, Winthrop Conconully Planning Unit.	Okanogan National Forest, Wash.	Land use plan.	Forest supervisor.	May 1975	December 1975.
*Desolation Planning Unit	Wallowa-Whitman, Umatilla National Forest, Oreg.	do	do	October 1975	February 1976.
Gifford Pinchot 10 year Timber-Management Plan.	Gifford Pinchot National Forest, Wash.	Resource plan.	Regional forester.	April 1974	January 1975.
*Clear Creek Planning Unit	do	Land use plan.	Forest supervisor.	January 1975.	April 1975.
*Upper Lewis Planning Unit	do	do	do	March 1975	September 1975.
Grandview Planning Unit	Ochoco National Forest, Oreg.	do	do	February 1975.	July 1975.
*Ochoco National Forest	do	do	do	July 1975	February 1976.
*Ochoco National Forest 10 year Timber-Management Plan.	do	Resource plan.	Regional forester.	do	Do.
Ochoco ORV and Road Closure Plan.	do	Access plan	Forest supervisor.	March 1976	December 1976.

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
*Wallowa Valley Planning Unit.	Wallowa-Whitman National Forest, Oreg.	Land use plan.	do	March 1975	September 1975.
*Rogue Roadless Planning Unit.	Siskiyou National Forest, Oreg.	do	do	June 1974	January 1975.
*Mount Butler-Dry Creek	do	do	do	March 1975	August 1975.
*Rogue-Illinois Planning Unit.	do	do	do	July 1975	December 1975.
Briggs Valley Dam	do	Construction project.	Regional forester.	December 1975.	June 1976.
*Fairview, Puddin Rock, Canton-Steelhead.	Umpqua National Forest, Oreg.	Roadless area.	Forest supervisor.	January 1975	July 1975.
*Dumont, Quartz, Last Creek	do	do	do	do	Do.
*Rogue-Umpqua Divide	do	do	do	February 1975.	Do.
*Harvey Creek P.U	Colville National Forest, Wash.	Land use plan.	do	April 1975	September 1975.
East Deer Creek P.U	do	do	do	do	Do.
*John Day Planning Unit	Malheur National Forest, Oreg.	do	do	June 1975	October 1975.
*South Fork Unit Plan	Malheur and Ochoco National Forests, Oreg.	do	do	October 1975	April 1976.
*Silvies-Malheur P.U	Malheur National Forest, Oreg.	do	do	May 1976	November 1976.
Umatilla, Malheur, and Wallowa-Whitman 10 year Timber Management Plan.	Umatilla, Wallowa-Whitman, Malheur National Forests, Oreg.	Resource plan.	Regional forester.	June 1975	December 1975.
Deschutes P.U	Deschutes National Forest, Oreg.	Land use plan.	Forest supervisor.	July 1976	January 1977.

REGIONAL OFFICE

ATLANTA, GEORGIA

REGION 8

Southern Region, USDA, Forest Service, 1720 Peachtree Rd. NW., Atlanta, Ga. 30309

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
Dugger Mountain	Talladega National Forest, Ala.	Land use plan.	Forest supervisor	March 1975	August 1975.
Cohutta Mountains	Chattahoochee National Forest, Ga.	do	do	March 1974	March 1975.
Chattooga River	do	do	do	February 1975.	August 1975.
Lake Russell	do	do	do	April 1975	November 1975.
Upper Hiwassee Unit	Cherokee National Forest, Tenn.	do	do	July 1974	March 1975.
Unaka Unit	do	do	do	April 1975	August 1975.
Management of Beaver Creek Unit.	Daniel Boone National Forest, Ky.	do	do	July 1974	March 1975.
Management of Laurel River Unit.	do	do	do	April 1975	October 1975.
Management of Licking River Unit.	do	do	do	July 1975	February 1976.
Timber Management Plan, Apalachicola National Forest.	Apalachicola National Forest, Fla.	Timber	do	March 1975	March 1976.
Timber Management Plan, Osceola National Forest.	Osceola National Forest, Fla.	do	do	do	Do.
Longleaf Islands	do	do	do	do	Do.
Big Scrub	do	do	do	May 1975	May 1976.
Ochlockonee	Apalachicola National Forest, Fla.	do	do	August 1975	August 1976.
Chauga Unit	Sumter National Forest, S.C.	do	do	August 1974	June 1975.
Laurel Fork Unit	George Washington National Forest, Va.	do	do	February 1974.	June 1976.
Piney River Unit	do	do	do	November 1974.	May 1975.
Massanutten Unit	do	Land use plan	do	March 1975	July 1975.
Lower Jackson Unit	do	do	do	August 1975	February 1976.
*Cave Mountain Lake Unit Plan.	Jefferson National Forest, Va.	do	do	February 1974.	June 1975.
Mount Rogers National Recreation Area.	do	do	do	April 1975	April 1976.
Timber Management Plan	Kisatchie National Forest, La.	Resource plan.	Regional forester.	June 1974	March 1975.
North Evangeline Unit Plan	do	Land use plan.	Forest supervisor.	February 1975.	June 1975.
North Catahoula-South Winn Unit Plan.	do	do	do	May 1975	August 1976
Vernon Unit Plan	do	do	do	April 1975	Do.
Tchoutacabouffa Unit Plan	DeSoto National Forest, Miss.	do	do	February 1975.	July 1975.
Brushy Creek Unit Plan	Homochitto National Forest, Miss.	do	do	June 1975	November 1975.

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
North and West Fork of the French Broad and Davidson River Units.	Pisgah National Forest, N.C.	do	do	July 1974	February 1975.
Cullasaja and Whitewater River Units.	Nantahala National Forest, N.C.	do	do	do	Do.
North Fork Catawba River and Bucks Creek Units.	Pisgah National Forest, N.C.	do	do	April 1975	August 1975.
Timber Management Plan	National Forests in North Carolina.	Resource plan.	Regional forester.	May 1975	Do.
Forks Unit Plan	Ouachita National Forest, Ark.	Land use plan.	Forest supervisor.	September 1974	April 1975.
Petit Jean Unit Plan	do	do	do	October 1974	Do.
Cossatot-Little Missouri Unit Plan.	do	do	do	March 1975	August 1975.
South Fourche Unit Plan	do	do	do	May 1975	November 1975.
Ouachita National Forest Off-Road Vehicle Interim Plan.	do	Recreation	do	July 1975	Do.
Ozone Unit Plan	Ozark National Forest, Ark.	Land use plan.	do	February 1975.	February 1976.
Pesticide Use	Ozark-St. Francis National Forest, Ark.	Pesticide	do	March 1975	March 1976.
Off-Road Vehicle Use Plan	do	Recreation off road vehicles.	do	September 1975.	September 1976.
Caddo and LBJ Unit Plans	Caddo and LBJ National Grass-Lands, National Forests in Tex.	Land use plan.	do	October 1974	May 1975.

REGIONAL OFFICE

MILWAUKEE, WISCONSIN

REGION 9

Eastern Region, USDA, Forest Service, 633 West Wisconsin Ave., Milwaukee, Wis. 53203

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
Timber Management Plan	Allegheny National Forest, Pa.	Resource plan.	Regional forester.	October 1975	February 1976.
Do	Chippewa National Forest, Minn.	do	do	February 1974.	February 1975.
Proposed Management Direction for the Cedar Creek Purchase Unit.	Clark National Forest, Mo.	Land use plan.	Forest supervisor.	March 1974	January 1975.
Deerfield River (Mount Snow).	Green Mountain National Forest, Vt.	do	Regional forester.	April 1975	September 1975.
Eagle Lake and Associated Recreation Developments.	Monongahela National Forest, W. Va.	do	do	February 1974.	March 1975.
Timber Management Plan	Superior National Forest, Minn.	Resource plan.	do	May 1975	October 1975.
Kancamagus Unit Plan	White Mountain National Forest, N.H.	Land use plan.	Forest supervisor.	June 1975	Do.
Kilkenny Unit Plan	do	do	do	February 1975.	May 1975.
Timber Management Plan	do	Resource plan.	Regional forester.	October 1974.	April 1975.

REGIONAL OFFICE

JUNEAU, ALASKA

REGION 10

Alaska Region, USDA, Forest Service, P.O. Box 1628 Juneau, Alaska 99801

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
West Chichagof-Yakobi Island.	Chatham area, Alaska.	Land use study.	Forest supervisor.	March 1975	June 1975.
Southern Chilkat Unit	do	do	do	February 1975.	April 1975.
Basket Bay	do	Timber sale	do	do	May 1975.
Freshwater Bay	do	do	do	do	Do.
Henker Divide	Ketchikan area, Alaska.	Land use plan	do	January 1975.	June 1975.
Long Island	do	do	do	March 1975	Do.
Karta Land Use Plan	do	do	do	May 1975	October 1975.
Tongass Land Use Plan	Tongass National Forest, Alaska.	do	Regional forester.	January 1975.	May 1975.
South Lindenberg Peninsula	do	do	Forest supervisor.	do	July 1975.
Passage Canal	Chugach National Forest, Alaska.	Timber sale	do	December 1974.	March 1975.
Latouche Island	do	do	do	do	Do.

STATE AND PRIVATE FORESTRY

UPPER DARBY, PENNSYLVANIA

NA

Northeastern Area, USDA, Forest Service, 6816 Market St., Upper Darby, Pa. 19082

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
1975 Addendum to 1974 Final Environmental Statement Cooperative Spruce Budworm Suppression Project.	Maine	Aerial	Area director	January 1975.	April 1975.

FOREST SERVICE

Chief, Forest Service
US Department of Agriculture
Washington, DC 20250

REGION 1, NORTHERN REGION (Montana, NE Washington, N. Idaho, North Dakota and NW South Dakota)

Regional Forester
Northern Region
US Forest Service
Federal Building
Missoula, Montana 59801

REGION 2, ROCKY MOUNTAIN REGION (Colorado, Kansas, Nebraska, South Dakota and Wyoming)

Regional Forester
Rocky Mountain Region
US Forest Service
Denver Federal Center, Bldg. 85
Denver, Colorado 80225

REGION 3, SOUTHWESTERN REGION (Arizona and New Mexico)

Regional Forester
Southwestern Region
US Forest Service
Federal Building
517 Gold Ave., SW
Albuquerque, New Mexico 87101

REGION 4, INTERMOUNTAIN REGION (Utah, S. Idaho, W. Wyoming and Nevada)

Regional Forester
Intermountain Region
US Forest Service
Federal Building
324 25th Street
Ogden, Utah 84401

REGION 5, CALIFORNIA REGION (California and Hawaii)

Regional Forester
California Region
US Forest Service
630 Sansome Street
San Francisco, California 94111

REGION 6, PACIFIC NORTHWEST REGION (Washington and Oregon)

Regional Forester
Pacific Northwest Region
US Forest Service
319 SW Pine Street
P.O. Box 3623
Portland, Oregon 97208

REGION 8, SOUTHERN REGION (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia)

Regional Forester
Southern Region
US Forest Service
1720 Peachtree Road, NW
Atlanta, Georgia 30309

REGION 9, EASTERN REGION (Connecticut, Delaware, Illinois, Iowa, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia and Wisconsin)

Regional Forester
Eastern Region
US Forest Service
633 W. Wisconsin Avenue
Milwaukee, Wisconsin 53203

REGION 10, ALASKA REGION (Alaska)

Regional Forester
Alaska Region
US Forest Service
Federal Office Building
Box 1628
Juneau, Alaska 99801

STATE AND PRIVATE FORESTRY AREAS

NOTE: State and Private Forestry offices are located in the Regional Headquarters with the exception of the following Areas:

NORTHEASTERN AREA STATE AND PRIVATE FORESTRY (Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia and Wisconsin)

Director
Northeastern Area, S&PF
US Forest Service
6816 Market Street
Upper Darby, Pennsylvania 19082

SOUTHEASTERN AREA STATE AND PRIVATE FORESTRY (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia)

Director
Southeastern Area, S&PF
US Forest Service
1720 Peachtree Road, NW
Atlanta, Georgia 30309

RESEARCH HEADQUARTERS

FOREST AND RANGE EXPERIMENT STATIONS

Director
Pacific Northwest Experiment Station
US Forest Service
809 NE Sixth Avenue
P.O. Box 3141
Portland, Oregon 97208

Director
Pacific Southwest Experiment Station
US Forest Service
1960 Addison Street
P.O. Box 245
Berkeley, California 94701

Director
Intermountain Experiment Station
US Forest Service
507 25th Street
Ogden, Utah 84401

Director
Rocky Mountain Experiment Station
US Forest Service
240 West Prospect Street
Fort Collins, Colorado 80521

Director
North Central Experiment Station
US Forest Service
Folwell Avenue
St. Paul, Minnesota 55101

Director
Northeastern Experiment Station
US Forest Service
6816 Market Street
Upper Darby, Pennsylvania 19082

Director
Southern Experiment Station
US Forest Service
Federal Building, T-10210
701 Loyola Avenue
New Orleans, Louisiana 70113

Director
Southeastern Experiment Station
US Forest Service
Post Office Building
P.O. Box 2570
Asheville, North Carolina 28802

INSTITUTE OF TROPICAL FORESTRY (AND CARIBBEAN NATIONAL FOREST)

Director
Institute of Tropical Forestry
US Forest Service
P.O. Box AQ
Rio Piedras, Puerto Rico 00928

FOREST PRODUCTS LABORATORY

Director
Forest Products Laboratory
US Forest Service
North Walnut Street
P.O. Box 5130
Madison, Wisconsin 53705

[FR Doc.75-1714 Filed 1-22-75;8:45 am]

DESCHUTES NATIONAL FOREST ADVISORY COMMITTEE

Meeting

The Deschutes National Forest Advisory Committee will meet at 6:30 p.m., February 13, 1975, for a no-host dinner at Elmer's Pancake & Steak House, Bend, Oregon. The program will follow at 8:00 p.m.

The subject to be discussed at this meeting will be "Environmental Impact Reporting—Past, Present and Future." This will be presented by Earl E. Nichols, Forest Supervisor.

The meeting will be open to the public.

Dated: January 17, 1975.

EARL E. NICHOLS,
Forest Supervisor.

[FR Doc.75-2093 Filed 1-22-75;8:45 am]

ROCK CREEK ADVISORY COMMITTEE

Meeting

The Rock Creek Advisory Committee will meet at 7:00 p.m. on February 18, 1975. Meeting place will be in Drummond, Montana, in the Catholic Church basement.

The purpose of this meeting is to continue Committee review of the planning processes and the critique of management options in Upper Rock Creek.

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

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

Dated: January 16, 1975.

ROBERT W. DAMON,
Forest Supervisor,
Deerlodge National Forest.

[FR Doc.75-2094 Filed 1-22-75;8:45 am]

Soil Conservation Service

NORTH AND SOUTH MILL CREEK WATERSHED PROJECT, WEST VIRGINIA

Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the North and South Mill Creek Watershed Project, Grant, Pendleton, and Hardy Counties, West Virginia, USDA-SCS-EIS-FP-(ADM)-75-1-(D)-WV.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment, supplemented by five single-purpose floodwater retarding structures, and one multiple-purpose structure for flood prevention and recreation. The recreational development will provide 53,000 visitor-days of recreation annually.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 865, Morgantown, West Virginia 26505.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of, or special expertise on, environmental impacts.

Comments concerning the proposed action or requests for additional information should be adressed to James S. Bennett, State Conservationist, Soil Conservation Service, P.O. Box 865, Morgantown, West Virginia 26505.

Comments must be received on or beform March 18, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: January 15, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-2095 Filed 1-22-75;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 15 COMPUTER SYSTEMS SECURITY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Task Group 15 (FIPS TG-15), "Computer Systems Security," will hold a meeting from 10 a.m. to 4 p.m. on Tuesday and Wednesday, March 4 and 5, 1975, in Room B-27, Building 225, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to prepare draft guidelines in four areas of computer systems security: information management; internatl systems security; teleprocessing and network control; and security requirements and metrics.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify Dr. Dennis K. Branstad, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301-921-3861).

Dated: January 17, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75-2077 Filed 1-22-75;8:45 am]

Office of the Secretary

[DOO 10-2]

ASSISTANT SECRETARY FOR ECONOMIC AFFAIRS

Authority and Functions

This order, effective December 27, 1974, supersedes the material appearing at 38 FR 9450 of April 16, 1973.

SECTION 1. *Purpose*—.01 This order prescribes the scope of authority and functions of the Assistant Secretary for Economic Affairs.

.02 This revision provides for an Environmental Economics Staff in the Office of the Assistant Secretary for Economic Affairs.

SEC. 2. *Administrative designation*—The position of Assistant Secretary of Commerce heretofore designated as the Assistant Secretary for Economic Affairs shall continue to be so designated. The Assistant Secretary is appointed by the President, by and with the advice and consent of the Senate.

SEC. 3. *Authority and functions*—.01 The Assistant Secretary for Economic Affairs shall serve as the principal economic adviser to the Secretary and as the Chief Economist of the Department. He shall serve as adviser to other Commerce officials with respect to economic matters and the economic impact of environmental matters, review relevant policy positions and recommendations, and serve as the Department's liaison with the Council of Economic Advisers and with other high-level economic officials of the Government.

.02 The Assistant Secretary shall also exercise policy direction and general supervision over the Social and Economic Statistics Administration.

SEC. 4. *Office of the Assistant Secretary for Economic Affairs*—In carrying out the functions in section 3. above, the Assistant Secretary shall be assisted by:

a. The *Deputy Assistant Secretary for Economic Affairs*, who shall be the principal assistant to the Assistant Secretary and shall assume the latter's full duties during his absence; and

b. The *Environmental Economics Staff*, which shall analyze the micro/macro economic impact of proposed or existing environmental laws, regulations and related actions on U.S. industry and business, including economic aspects of Environmental Impact Statements. The Staff shall perform this function on a Department-wide basis and provide economic analysis support to the Office of Environmental Affairs under the Assistant Secretary for Science and Technology, the Office of General Counsel, and other components of the Department.

JOHN K. TABOR,
Acting Secretary of Commerce.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-2085 Filed 1-22-75;8:45 am]

[DOO 30-7B]

NATIONAL TECHNICAL INFORMATION SERVICE

Organization and Assignment of Functions

This order, effective December 31, 1974, supersedes the material appearing at 38 FR 5277 of February 27, 1973.

SECTION 1. *Purpose*—.01 This order prescribes the organization and assignment of functions within the National Technical Information Service (NTIS).

.02 This revision establishes an Office of Government Inventions and Patents (paragraph 4.02) and makes certain other changes, including abolition of the former Office of Analysis and Evaluation.

SEC. 2. *Organization structure*—The principal organization structure and line of authority shall be as depicted in the attached organization chart. A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

SEC. 3. *Office of the Director*—.01 The *Director*, as the head of NTIS, directs and is responsible for all activities of the organization.

.02 The *Deputy Director* assists the Director in managing NTIS and performs the functions of the Director during his absence.

SEC. 4. *Staff offices reporting to the director*—.01 The *Office of Program and Product Management* shall be responsible for planning the development of, and implementing the production of new and improved information products and services. The office will also be responsible for the successful, ongoing production of products and services in accord with agency objectives.

.02 The *Office of Government Inventions and Patents* shall develop and operate programs to promote wider private sector use of government inventions. It shall administer a program for the foreign filing and licensing of government inventions under Executive Order 9865, as amended. It shall also provide Executive Secretariat functions for the Committee on Government Patent Policy (of the Federal Council for Science and Technology) and assist in the development and formulation, to the extent appropriate, of a uniform government-wide patent policy.

SEC. 5. *Office of Market Development*—The Office shall be headed by an *Assistant Director, Market Development*, who shall be responsible for the conduct of all functions relating to marketing, promotion, speakers, exhibits, and seminars. It shall advise the Office of Program and Product Management with respect to the design, format and presentation of all NTIS products and services, and in the planning of new products. It shall recommend, develop, and implement methods and procedures for identifying, locating and refining potential markets for NTIS products and services; design and use professional promotional vehicles for stimulating NTIS sales in such markets; and conceive, initiate, and design graphic and illustrative material for all publications and services, sales promotion and seminars, presentations, plant tours, and employee information. It shall also maintain a central photographic and illustrations file and serve as a liaison with the Department's graphic arts group.

SEC. 6. *Office of Production*—The Office shall be headed by an *Assistant Director, Production*, who shall provide operating policy direction to and overall administration of the acquisition, cataloging, indexing, filming, copying, order processing, warehousing, distribution, and automatic data processing operations. The functions of the Office shall be carried out through its principal organizational elements as prescribed below.

.01 The *Input Processing Division* will be responsible for acquisitioning, accessioning, evaluating, scheduling, routing, descriptive cataloging, indexing, and subject analysis of all material entering the NTIS collection. The Division will produce abstract journals, indexes, and other printed materials in accordance with objectives set by the Office of Program and Product Management.

.02 The *Distribution and Reproduction Division* will store and ship documents and other NTIS products being offered for sale; directly or indirectly print or film copies of NTIS products; handle customer requests and inquiries for NTIS products and services, and will satisfy NTIS customers by alleviating complaints.

.03 The *Automated Data Processing Division* shall plan and operate the agency's automatic data processing systems used to process the bibliographic data file, publications and edit programs, inventory management programs, and sales order processing files; develop procedural adaptations of automatic data programs; participate in studies and analyses; and recommend the applicability of automated processing.

SEC. 7. *Office of Administration*—The Office shall be headed by the *Assistant Director, Administration*, who shall be responsible for providing administrative and resources management support to NTIS, including the development and operation of programs to maintain and increase the size and scope of the NTIS collection, and to provide contract preparation and monitoring support related to the sales of NTIS products and services. The functions of the Office shall be carried out through its principal organizational elements as prescribed below.

.01 The *Accounting Control Division* shall account for and record all income received at NTIS, and shall establish, maintain, and otherwise service customer accounts. The Division shall provide financial systems development, account for and oversee the recording of all NTIS cost and production information that will permit both process and product accountability, and shall provide product and program pricing support. In addition, the Division shall perform management analysis functions for NTIS.

.02 The *Budget Division* shall develop resource utilization plans, including providing assistance of the Office of Program and Product Management, preparing the overall NTIS budgets, comprehensive forecasting and reporting of cost and income, profit and loss analysis, and productivity and effectiveness analysis.

.03 The *Administrative Services Division* shall plan for, develop, and provide facilities management, procurement, administrative, and office services support to the activity. These services include telephone, travel, motor pool, safety and security services, and supply management.

WILLIAM T. KNOX,
Director, National Technical Information Service.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

Approved:

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-2087 Filed 1-22-75;8:45 am]

[DOO 30-3B]

PATENT OFFICE

Authority and Functions

This order, effective December 31, 1974, supersedes the material appearing at 38 FR 1068 of January 8, 1973; and 38 FR 25213 of September 12, 1973.

SECTION. 1. *Purpose*—.01 This order prescribes the organization and assignment of functions within the Patent Office. Department Organization Order 30-3A prescribes the scope of authority and functions.

0.2 This revision of the order involves numerous changes in the offices reporting directly to the Commissioner (section 4), the Assistant Commissioner for Patents (section 5), and the Solicitor (section 7).

SEC. 2. *Organization Structure*—The principal organization structure and line of authority shall be as depicted in the

attached organization chart. A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

SEC. 3. *Office of the Commissioner*—The Commissioner determines the policies and directs the programs of the Patent Office and is responsible for the conduct of all activities of the Patent Office. He is principally assisted by a Deputy Commissioner, three Assistant Commissioners and a Solicitor whose main duties shall be as specified below.

a. The *Deputy Commissioner* (First Assistant Commissioner under 35 U.S.C. 3) shall assist the Commissioner in the direction of the Patent Office and shall perform the duties of the Commissioner in the latter's absence.

b. The *Assistant Commissioner for Patents* (an Assistant Commissioner under 35 U.S.C. 3) shall provide administrative and policy direction for the patent examining and documentation operations which consist of the organizational elements enumerated in section 5 of this order. He is assisted by a Deputy Assistant Commissioner. The Deputy Assistant Commissioner shall, among other duties as assigned, have immediate responsibility for patent examination and for the organizational elements enumerated in section 5.01, and shall perform the duties of the Assistant Commissioner during the latter's absence. There shall also be an Administrator for Documentation who shall have immediate responsibility for domestic and foreign patent documentation and the organization elements enumerated in section 5.02.

c. *The Assistant Commissioner for Trademarks* (an Assistant Commissioner under 35 U.S.C. 3) shall provide administrative and policy direction to the trademark registration and related operations which consist of the organizational elements enumerated in section 6 of this order.

d. The *Solicitor* shall be the chief law officer of the Patent Office and shall provide administrative and policy direction to the organizational elements enumerated in section 7 of this order. Pursuant to Department Organization Order 10-6, he shall be subject to the overall authority of the Department's General Counsel with respect to legal matters involving the Patent Office, other than in connection with the issuance of patents or the registration of trademarks. He shall be assisted by a Deputy Solicitor who shall perform the duties of the Solicitor during the latter's absence.

e. The *Assistant Commissioner for Administration* shall be the principal advisor to the Commissioner on the formulation and application of management policies and shall provide administrative, management, budgeting and operational support services to components of the Patent Office. In addition, he shall provide administrative and policy direction to the organizational elements enumerated in section 8 of this order. He shall be assisted by a Deputy Assistant Commissioner who shall perform the duties of the Assistant Commissioner during the latter's absence.

SEC. 4. *Offices reporting to the Commissioner*—.01 The *Board of Appeals* shall be responsible for hearing and deciding appeals from adverse decisions of examiners upon applications for patent.

.02 The *Board of Patent Interferences* shall conduct interference proceedings and make final determinations in the Patent Office as to priority of invention. The Board shall also hear and decide questions concerning property rights in inventions in the atomic energy and space fields brought before it under the provisions of Sections 2182 and 2456 (d) and (e) of Title 42, U.S.C.

.03 The *Office of Legislation and International Affairs* shall, subject to Department Organization Order 10-6, make studies and advise the Commissioner on policy and actions concerning matters which may require legislation or which involve international patent and trademark (intellectual property) matters; draft proposed legislation relating to patents and trademarks and advise on pending legislation affecting the Patent Office; represent the Commissioner in the negotiation or renegotiation of treaties and the negotiation of other new major international initiatives; assist in the development and implementation of related programs; coordinate or conduct in cooperation with other appropriate Patent Office organizations, negotiations in matters relating to existing international programs; and maintain liaison with the Office of the Secretary, the General Counsel, other agencies, international and foreign bodies, members of the public, and appropriate congressional committees in such matters.

.04 The *Office of Information Services* shall advise and represent the Commissioner on information matters; conduct programs fostering public understanding of the American patent system and of the functions, services and administrative publications of the Patent Office; and develop publication policies.

SEC. 5. *Offices reporting to the Assistant Commissioner for Patents*—.01 Patent Examination Organizations—a. The *Office of Patent Program Control* shall develop procedures for and establish quality, quantity and other performance standards relating to the conduct of the patent examination functions; establish program activity targets and continually evaluate status against program objectives; provide training to examiners in patent practices and procedures; monitor compliance with examination standards and procedures; and provide planning evaluation and budget support to the examination organizations and such other duties as assigned.

b. The *Examining Groups* shall examine applications for patents to ascertain if the applicants are entitled to patents under the law and grant patents to those so entitled. Each examining group shall perform this function for patent applications falling within the generic category assigned to it. The number of examining groups and the coverage of the generic categories shall be determined by the Commissioner.

.02 Patent Documentation Organizations. a. The *Office of Documentation Planning, Support and Control* shall analyze the examiner and public patent search files and all proposed programs concerning them; coordinate efforts in regard to numerical files; develop and maintain overall documentation plans relating to these files; define the form, content and accessibility of these files and insure such definition through periodic checks; initiate the acquisition and provision of patent documentation for these files; coordinate the development of an overall system, and the efforts of related implementing activities, to insure the accuracy and effective utilization of patent data; provide budgetary and other services for the documentation organizations; and establish performance standards and evaluation criteria for, and monitor and evaluate, the activities of the documentation organizations.

b. The *Classification Groups* shall develop, implement and maintain subject matter classification systems for the organization of patent search files of prior art including the preparation of definitions, indexes, schedules, and related documentations. Each classification group shall perform this function for subject matter falling within the generic category (chemical, electrical, mechanical) assigned to it.

c. The *Office of Search Systems* shall maintain a state-of-the-art awareness of machine-assisted information storage, access, retrieval, and display systems useful or potentially useful in searching patent documentation; participate with parties in the private and government sectors in cooperative programs designed to develop systems for Patent Office utilization; evaluate the potential of existing and cooperatively developed systems; initiate the acquisition and adaptation of selected systems and direct the maintenance of all non-operational search and display systems (equipment and materials); conduct and evaluate pilot tests in Patent Office operating environments; recommend operational establishment or discontinuance of evaluated systems; and monitor and evaluate the performance of operational systems.

d. The *Office of Technology Assessment and Forecast* shall continually assess the status of technological activities in all countries; compare inventive activity in the United States relative to other nations; and forecast development on a worldwide basis.

SEC. 6. *Offices reporting to the assistant Commissioner for Trademarks*—.01 The *Office of Trademark Program Control* shall develop guidelines governing trademark examining procedures; establish program activity targets and continually evaluate status against program objectives; and provide instruction in trademark practice and procedures and coordinate trademark administrative support activities.

.02 The *Trademark Trial and Appeal Board* shall be responsible for hearing and deciding adversary proceedings involving interfering applications, oppositions to registration, cancellations, and

concurrent use proceedings; and for hearing and deciding appeals from final refusals of the trademark examiners to allow the registration of trademarks.

.03 The *Trademark Examining Operation* shall be responsible for the classification of trademark applications into classes of goods and services, the examination and processing of these applications, and the registration of trademarks, service marks, and certification marks; and maintain the principal and supplemental registers of trademarks. The Trademark Examining Operation shall be composed of examining divisions, the number and coverage of such divisions to be determined by the Commissioner.

SEC. 7. *Offices reporting to the solicitor*—.01 The *Office of the Solicitor* shall handle all litigation to which the Commissioner is a party and provide other legal services, including advice and assistance on legislative matters, and maintenance of the law library.

.02 *The Office of Government Employee Inventions* shall review questions of ownership of patents and rights to inventions made by Government employees in issues brought before it under Executive Order 10096 and shall make appropriate recommendations to the Commissioner for action on such questions.

SEC. 8. *Offices reporting to the assistant Commissioner for Administration*—.01 Management Planning Organizations—a. The *Office of Budget* shall formulate, interpret, and execute budgetary and fiscal policies; establish and maintain a comprehensive budget program collaborating with cost center officials in developing budget and fiscal plans; develop and present budget requests; allocate and maintain budgetary accountability of available funds; maintain external liaison in budgetary matters; and review and evaluate the fulfillment of budget-based program commitments.

b. The *Office of Management and Organization* shall plan and conduct studies designed to improve organization, methods, procedures, workflow, work measurement, management techniques, and resource utilization, or otherwise increase efficiency, effectiveness and economy of operations; develop and manage a system for the issuance of internal administrative orders and instructions; promote development of the Patent Office management improvement program and coordinate the collection, review and submission of reportable plans and accomplishments thereon; develop and coordinate a program for the management and control of external reports; and make special studies as required.

c. The *Office of Program Planning and Evaluation* shall formulate plans for and coordinate the development of Patent Office-wide long and short range program objectives within the framework of budgetary, policy, and other constraints; define, project, and allocate the manpower and other resources required to achieve those objectives; develop and monitor the operation of a comprehensive, integrated management information system to provide data required for administrative and policy decision-making, for measurement of performance in the attainment of objectives, and for other purposes; and develop and disseminate to Patent Office managers analytical and interpretive reports concerning their operations.

.02 Public Service Organizations—a. The *Office of Patent and Trademark Services* shall provide the materials and services of the Patent Office, many of which are offered to the public on a fee basis, and such services and facilities which are maintained for public access and use as governmental functions. It shall also be the responsibility of this Office to provide these same materials, services, and facilities as required by examiners and other personnel for internal operations of the Patent Office. These shall include but are not necessarily limited to recording instruments that transfer property rights to patents and trademarks; furnishing copies of patents, trademark registrations, and office records; providing drafting services; maintaining collections of technical and scientific information such as U.S. and foreign patents, periodicals, books, and other publications, whether in printed or microfilm form, and providing related services in regard to these collections. It shall also conduct an initial examination of patent applications for compliance with law and regulations as to form and certain matters of factual content; grant or deny a filing date based on such examination and forward to the Examining Groups those granted a filing date; acknowledge the acceptance or rejection of applications for examination; originate documentation of pending applications; initially assign accepted applications to units of the Examining Groups for examination, and maintain records on the status and location of all applications.

b. The *Office of Publications* shall schedule and manage the processing and movement of allowed patent application files in procuring the creation of full patent text machine language data base and the composition and printing of weekly patent issues and related announcements in the Official Gazette; provide requisition and scheduling services for trademark publications; monitor the quality or performance by contributing sources and maintain close liaison with U.S. Government Printing Office; and prepare and issue patent grants and periodic publications of patent indexes.

.03 Administrative Service Organizations—a. The *Office of Computer Services* shall provide data processing services to other elements of the Patent Office, which shall include coordinating the formulation and execution of Patent Office ADP resource planning and policy; conducting feasibility studies and other studies directly related to the design and development of ADP systems; designing, implementing and maintaining approved ADP systems responsive to functional requirements; providing technical assistance to Patent Office components in determining ADP system definitions and in planning for ADP services and equipment; reviewing and analyzing the feasibility of ADP and punch card accounting machine (PCAM) services and equipment proposed for use in another organizational unit as an integral part of its operation and, if approved, coordinating procurement and installation of such services and equipment; monitoring and evaluating the utilization of all ADP and PCAM equipment; coordinating and monitoring the Patent Office-wide ADP budget; maintaining liaison with the Department and other Federal agencies on ADP matters; and, operating all ADP and PCAM equipment in the Office of Computer Services.

b. The *Office of Finance* shall develop and maintain the financial accounting system of the Patent Office, perform accounting operations for the revenue, trust funds, and appropriation of the Patent Office, including maintenance of general accounts and related fiscal records, preparation of financial statements and reports, audit and certification of vouchers for payment, issuance of deposit account statements, initiation of action to collect amounts due the Patent Office, and administration of the payroll system and related employee accounts; and provide financial advice.

c. The *Office of General Services* shall plan and administer a broad Office-wide program of general services, including procurement control; property, space, and facilities management; communications, files, mail and correspondence, and forms management; administrative printing; and clearance of all requirements involving contractual procurements, including liaison with the Department, in connection therewith.

d. The *Office of Personnel* shall administer activities relating to recruitment, placement, employee relations, equal opportunity program for employees, training and career development, incentive awards, performance rating, position classification and wage administration, group-management relations, and various employee benefit programs.

C. MARSHALL DANN,
Commissioner of Patents.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

Approved:

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-2086 Filed 1-22-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NEW VOCATIONAL EDUCATION RESEARCH GRANTS

Extension of Deadline for Receipt of State Board Approval of Local Educational Agency Applications

Notice is hereby given that the U.S. Commissioner of Education has extended

the forty-nine day period allowed for receipt of the State board approval or disapproval of local educational agency applications for new Vocational Education Research grants under section 131 (a) of Part C of the Vocational Education Act of 1963, as amended (20 U.S.C. 1281(a)) previously published in the FEDERAL REGISTER on October 11, 1974 at 39 FR 36626.

The closing date for receipt of notice of State board approval or disapproval of applications from local educational agencies that were received by the Office of Education's Application Control Center by November 29, 1974 is extended to January 13, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.498; Vocational Education-Research)

Dated: January 13, 1975.

T. H. BELL,
Commissioner of Education.

[FR Doc. 75-2076 Filed 1-22-75;8:45 am]

SCHOOL CONSTRUCTION ASSISTANCE

Notice of Cutoff Date for Receipt of Applications

Pursuant to the authority contained in section 3 of Pub. L. 81-815 (school construction in areas affected by Federal activities; 72 Stat. 548; (20 U.S.C. 633)) notice is hereby given that the U.S. Commissioner of Education has established a cutoff date for the receipt of Fiscal Year 1975 applications for assistance under sections 5, 8, 9, and 14 of Pub. L. 81-815. Such applications must be received from the State educational agencies in the appropriate Regional Offices of Education on or before April 25, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed to the respective Regional Office. An application sent by mail will be considered to be received on time by the appropriate Regional Office if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

B. *Hand delivered applications.* An application to be hand delivered must be taken to the appropriate Regional Office, School Assistance in Federally Affected Areas, of the Office of Education. Hand delivered applications will be accepted daily during the regular working hours of the appropriate Regional Office. Applications will not be accepted after close of business on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the appropriate Regional Office, School Assistance in Federally Affected Areas, of the Office of Education.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education general provisions regulations (45 CFR Parts 100 and 100a) and the school construction assistance regulations (45 CFR Part 114). A notice of proposed rulemaking which would revise these regulations was published in the FEDERAL REGISTER on July 25, 1974 at 39 FR 27232, proposed 45 CFR Part 114. When republished in final form, the proposed regulations will supersede the current 45 CFR Part 114.

(20 U.S.C. 633)

(Catalog of Federal Domestic Assistance No. 13.477 School Construction Assistance)

Dated: January 16, 1975.

T. H. BELL,
Commissioner of Education.

[FR Doc.75-2075 Filed 1-22-75;8:45 am]

Office of the Secretary

CHILD AND FAMILY DEVELOPMENT RESEARCH REVIEW COMMITTEE

Meeting

The Child and Family Development Research Review Committee will meet on Monday, February 10, 1975 through Wednesday, February 12. The meeting will be held daily from 9 a.m. to 5 p.m. in Room 5030, Office of Child Development, 400 Sixth Street, NW, Washington, D.C., and will be closed to the public except for the opening remarks. The purpose of the Committee is to review applications for research and demonstration projects in the areas of child development and child welfare and to make recommendations to the Director, Office of Child Development, as to which projects should be funded. The agenda of this meeting will consist of opening remarks by the Acting Director, Office of Child Development, followed by the review of research proposals concerned with child abuse and neglect which have been submitted to the Office of Child Development for the award of grants. These applications are exempt from mandatory disclosure under 5 U.S.C. 552(b)(4) and (6) in that they contain trade secrets, commercial and financial information obtained from a person and privileged or confidential, and other personnel records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. A list of Committee members and a summary of the meeting may be obtained from:

Barbara Rosengard
Research and Evaluation Division
Office of Child Development
P.O. Box 1182
Washington, D.C. 20013
(202) 755-7758

Dated: JANUARY 13, 1975.

BARBARA ROSENGARD,
Executive Secretary.

[FR Doc.75-2089 Filed 1-22-75;8:45 am]

HEARING AID HEALTH CARE; AVAILABILITY OF TASK FORCE REPORTS

Extension of Time for Additional Comments

A notice of availability of the Report on Hearing Aid Health Care and Supplementary Report prepared by the Department of Health, Education, and Welfare Intradepartmental Task Force on Hearing Aids was published in the FEDERAL REGISTER of October 29, 1974, (39 FR 38123). In this notice, the Secretary of the Department of Health, Education, and Welfare invited written comment on the Report and Supplementary Report, such comments to be filed, on or before December 30, 1974, with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Maryland 20852.

The Secretary has received numerous comments expressing interest in the reports and in the problem of hearing aid health care from consumer and industry representatives, and other interested groups. These groups have also expressed an interest in an extension of time for comment on the reports. The additional time was requested to provide the consumer organizations with a better opportunity to contact constituents, provide them with a copy of the report and receive their comment on the report and the supplementary report.

Therefore, taking notice of the widespread interest in this matter and to afford more time for all concerned parties to make their views known, the Secretary has extended the time for public comments to February 24, 1975.

Written comments as well as requests for copies of the report and the supplementary report (preferably in quintuplicate) should be directed to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Maryland 20852. Received comments may be reviewed in the office of the Hearing Clerk during working hours, Monday through Friday.

The time for filing comments on the report and the supplementary report is extended to February 24, 1975.

Dated: January 17, 1975.

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

[FR Doc.75-2090 Filed 1-22-75;8:45 am]

PUBLIC HEALTH SERVICE

Statement of Organization, Functions, and Delegations of Authority

Notice is hereby given that the following delegation and redelegation of authority, with authority for further redelegation, have been made to assist in controlling violations of law at Saint Elizabeths Hospital, a Department of Health, Education, and Welfare facility, located in Washington, D.C.

1. Delegation from the Secretary of Health, Education, and Welfare, to the Assistant Secretary for Health, to exercise authorities vested in the Secretary

by the Administrator of General Services on June 4, 1974 (39 FR 20650), to appoint uniformed guards as special policemen for the protection of the buildings and other areas of Saint Elizabeths Hospital in the District of Columbia and under the charge and control of the Department of Health, Education, and Welfare, and over which the Federal Government has acquired exclusive or concurrent jurisdiction under 24 U.S.C. 161, and authority to make all necessary rules and regulations for the government of the said Federal property. This authority shall be exercised in accordance with the limitations and requirements imposed by the Administrator of General Services in the original delegation.

These authorities may be redelegated.

2. Part C of the statement of organization, function, and delegations of authority for the Department of Health, Education, and Welfare entitled Alcohol, Drug Abuse, and Mental Health Administration (COOO) (38 FR 27316 as amended by 39 FR 1654–1658) is renumbered Part 13. Renumber section headings C–A "Mission" through C–D "Delegations of Authorities" to read 13–A through 13–D. Section 13–D, Delegations of Authorities, is hereby amended as follows:

a. After the words "DELEGATIONS OF AUTHORITIES." add "(1)".

b. Add the following paragraph:

(2) Redelegation from the Assistant Secretary for Health to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, to exercise authorities delegated to the Assistant Secretary for Health by the Secretary of Health, Education, and Welfare, to appoint uniformed guards as special policemen for the protection of the buildings and other areas of Saint Elizabeths Hospital in the District of Columbia and under the charge and control of the Department of Health, Education, and Welfare, and over which the Federal Government has acquired exclusive or concurrent jurisdiction under 24 U.S.C. 161, and authority to make all necessary rules and regulations for the government of the said Federal property. This authority shall be exercised in accordance with the limitations and requirements imposed by the Administrator of General Services in the original delegation.

These authorities may be redelegated.

Dated: January 7, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75–1994 Filed 1–22–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Policy Development and Research

[Docket No. N–75–259]

CONDOMINIUMS AND COOPERATIVES

Notice of Hearings

The public hearings on condominiums and cooperatives announced at 40 FR 1732, January 9, 1975, shall take place at the Department of Interior Auditorium, 19th and C Streets, NW, Washington, D.C., from 9 am to 12:30 pm and 1:30 pm to 5 pm, February 10, 11, and 12, 1975.

Dated: JANUARY 20, 1975.

MICHAEL H. MOSKOW,
Assistant Secretary for Policy Development and Research.

[FR Doc.75–2173 Filed 1–22–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

CONSUMER INFORMATION REGULATIONS

Response to Petition To Amend

This notice responds to the petition of General Motors Corporation (GM) to amend 49 CFR 575.6 to allow the consumer information document provided with a vehicle to refer the reader to the vehicle certification label for information on which table applies to the vehicle, as an alternative to providing the information on the document itself as is presently required.

In its petition of March 20, 1974, GM stated that using the certification label as a referral device would simplify placing the appropriate document in the vehicle on the assembly line and thereby lessen the opportunity for error. GM also suggested that using the vehicle certification label in this way would aid prospective purchasers in dealers' showrooms as each vehicle would itself indicate which tables were applicable.

The NHTSA disagrees with GM's contention that its proposal would aid prospective purchasers, and for that reason denies the petition. While a prospective purchaser might find it simpler under GM's proposal to find consumer information concerning the vehicles already in the dealer's showroom, he would find it exceedingly difficult to compare these vehicles' performance with that for vehicles not in the dealer's inventory. Further, he would be required to visit a dealer's showroom and examine a vehicle before determining which tables applied to it. Thus, his ability to make useful comparisons—a purpose of the regulation—would be severely restricted.

For the reasons cited above, the petition of General Motors Corporation is denied.

(Secs. 103, 112, 119, Pub. L. 80–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on January 17, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75–2131 Filed 1–22–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75–1–51, Docket 25280 Agreement C.A.B. 24475 R–2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Cargo Traffic Procedures, Correction

JANUARY 14, 1975.

Agreement adopted by the Joint Traffic Conferences of the International Air Transport Association relating to cargo traffic procedures.

Ordering paragraph 2 of Order 75–1–51 (40 FR 3032) should read as follows:

"2. Any answers or replies to th comments and/or objections shall be filed within 15 days thereafter."

By the Civil Aeronautics Board.

Dated: January 16, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–2147 Filed 1–22–75;8:45 am]

[Order 75–1–80; Dockets 27291, 27325, 27328, 26838]

UNITED AIR LINES, INC.

Order of Suspension, Investigation, and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of January, 1975.

By tariff revisions generally posted on December 13, 1974, and marked to become effective February 1, 1975, United Air Lines, Inc. (United) proposes to establish premium rates for a new on-line priority service for shipments for which the carrier has confirmed reserved space on specific flights.

United's proposal provides for (1) minimum charges per shipment equal to United's current small-package charges; (2) per-pound and 100-pound rates amounting to 130 percent of the carrier's current rates for westbound general commodity air freight in various markets (no weight-break rates above the 100-pound level are offered); and (3) premium rates which are constructed by applying the same premuim percentages as those in the regular freight tariffs to the priority reserved air freight rate applicable to the weight of the shipment.

Under the proposal, a reservation for a shipment must be requested of the carrier not less than 6 hours nor more than 48 hours prior to the scheduled departure of the flight on which such space is requested. The shipment must be tendered to the carrier at its air freight terminal at least 90 minutes prior to the scheduled departure of the flight on which space was reserved. In addition, a request by the shipper to cancel or amend a reservation must be received by the carrier not less than 6 hours prior to scheduled departure of such flight from the origin of the shipment.

If a shipment is not delivered on the specified flight on which reservation is

made, the airport-to-airport charge otherwise provided for in the tariff shall be reduced to 76 percent of such otherwise applicable charge, provided, however, that such reduction shall not be less than 50 percent of the specifically published minimum charge.[1]

The proposal bears an expiry date of June 30, 1975.

Complaints requesting suspension and investigation of United's proposal have been filed by the Hawaii Air Cargo Shippers Association, Inc. (HACSA), The National Small Shipments Traffic Conference, Inc. (NSSTC), and the Pet Industry Parties (PIP).

HACSA contends, inter alia, that the proposed service would replace regular air freight to Hawaii; it would drive consolidators, such as HACSA, out of business; it would suppress competition and create a monopoly in the air freight industry in Hawaii and would have long-term adverse economic effects on the State of Hawaii; the proposal is a rate increase in disguise, whereby shippers will have no choice but to use the priority service and pay the required premium; and it allows the carrier unilaterally to impose rate increases without a public hearing and with inadequate notice to interested parties.

NSSTC states, among other things, that increases in excess of 100 percent in minimum charges and of 30 percent per hundred-weight are truly extravagant for the service proposed; the proposal contains several inequities such as a refund provision which penalizes shipper through no fault of his own; and the proposal contains a reservation and cancellation procedure that is extremely restricted in distribution planning.

In its complaint PIP asserts, inter alia, that (1) the assessment of a 10 percent premium on top of a priority rate which is 30 percent higher than the applicable general commodity rate results in an assessment to the live-animal shipper in excess of 40 percent; (2) the live-animal shipper is being assessed a proportionally higher portion of the alleged increased costs associated with rendering priority freight services, which is contrary to the decision in the Investigation of Premium Rates for Live Animals and Birds, Docket 21474, which grants a carrier a maximum 10 percent premium on live-animal carriage, and is thus discriminatory; (3) United's cost justification is totally inadequate in that it fails to quantify or estimate the costs of its proposed priority service versus regular air freight service; and (4) United's justification relies heavily on findings involving services of air express—a service which has many characteristics which significantly differ from the single-carrier on-line service proposed.

[1] The proposed tariff provides that the reservation may be canceled by the carrier, at any time prior to arrival, for the purpose of using the reserved space to transport (1) replacement parts for the repair of United's disabled aircraft; (2) passenger baggage; or (3) priority mail. If the foregoing cancellation occurs, however, the carrier will reserve space on the next flight on which sufficient space is available.

In support of its proposal and in answer to the complaints, United contends, among other things, that the rate level for the proposed service is based on existing rates for similar services; the tariff does not provide for any developmental or volume-related rate reductions; the additional cost of providing a positive space freight system with boarding priority; and the value of the service relative to space-available service.

United also asserts that its proposed priority service cannot validly be compared to a space-available freight service, but rather must be compared to services of like character, such as its "Small Package Dispatch" (SPD) service in that both services will be virtually the same for the low weight shipments to which the minimum charges apply; NSSTC's conclusion, that under United's proposed refund provision the shipper would be penalized through no fault of his own, is without merit, since the shipper actually receives a slight discount from the westbound space-available air freight rates in addition to having his shipment move via reserved freight on the next flight on which there is unreserved space available; and the proposed service is being offered to meet priority or emergency air freight needs and is not designed to supplant space-available air freight, and hence, shippers' time requirements for routine distribution planning are not a relevant consideration.

United further declares that (1) it has clearly justified a premium charge of 30 percent per hundred-weight for the proposed priority service, based on the additional costs which will be incurred; (2) HACSA's complaint that proposed service would drive consolidators out of business is entirely unfounded, since the proposal will provide these consolidators more revenue potential from consolidations up to 100 pounds than is possible from the existing regular air freight tariff; (3) to retain the priority "smaller shipment" nature of the service, the proposed rate structure does not have volume weight-breaks; (4) high-volume shipments will not be precluded from using this service, but the pricing structure proposed should insure that proposed priority service does not replace regular air freight as the carrier's primary freight product; (5) the proposed rate differential for live-animal shipments is much less than claimed by PIP and is appropriate; and (6) the proposal will produce $8.8 million additional annual revenue in 1975.

United finally contends that it has been striving to fulfill its obligation to provide a coordinated inter-line priority service, as required by the Board in its decision in the Express Service Investigation, Order 73-12-36, by participating in the inter-carrier discussions to decide on the procedures and details of how best to provide that service. However, the carrier believes that, until individual carrier tariffs are filed and approved, it it difficult to negotiate a coordinated inter-line priority service.

Upon consideration of all relevant factors, the Board finds that the instant tariff proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the tariff should be suspended pending investigation.

There are significant questions as to the level of the proposed rates, whether the proposed service is subject to unreasonable and discriminatory limitations, and whether it is consistent with the Board's finding that the carrier is under an obligation to offer highly expedited inter-carrier priority service as a replacement for air express service (Order 73-12-36). Among other things, the Board is concerned with (1) the high premiums at weight-breaks above 100 pounds, which vary to almost 200 percent above regular rates; (2) the application of minimum charges equal to small-package charges which result in rate increases as high as 250 percent above current minimum charges for regular freight; (3) the application of premium ratings on top of a priority rate which is at least 30 percent above the applicable general commodity rates; and (4) the adequacy of the cost justification in support of the proposed priority freight rates and charges.

In its regular bulk freight general commodity rate structure, United offers substantial rate discounts for shipments with weight-breaks of 1,000, 2,000, and 3,000 pounds. For example, the current rates per 100 pounds for a 1,000-, 2,000-, and 3,000-pound shipment in the New York to Los Angeles market amount to 10.0, 12.8, and 13.0 percent, respectively, below the rate for the 100-pound shipment. Under its proposed priority reserved freight rate structure, however, United does not offer any rate discounts for shipments at higher weight-breaks and accordingly, the proposed rate increases for the larger-sized shipments are much higher than 30 percent.[2] In some instances, as indicated, the increases amount to as much as 200 percent above current levels. United has not presented cost data to support rate increases of this magnitude, and we believe that they may be unreasonable and unjustly discriminatory against the large-volume shipper who may want to use the priority reserved service.

[2] By Orders 74-6-136 and 74-9-4, the Board set for investigation but permitted to become effective similar priority reserved rates proposed by Western Air Lines, Inc. (Western) and Continental Air Lines, Inc. (Continental), respectively. Those rates amounted to 130 percent of the applicable general commodity rates at all weight-breaks at 100 pounds and over. (It should be noted, however, that the foregoing rates were subject to a minimum weight of 100 pounds and a minimum density of 10 pounds per cubic foot.) Thus, United's proposal, in containing significant increases in excess of 30 percent in both weight-breaks above 100 pounds and in minimum charges, results in numerous rates above those in the rate basis permitted to become effective for Continental and Western. Inasmuch as it is practicable to deal with United's proposal only as a single unit, we have concluded to suspend all of it.

United's cost data do not purport to cover those situations where the premiums would be well in excess of 30 percent and have serious limitations even in support of a 30 percent premium.[3]

United contends that a number of its proposed rates are below the rates currently in effect for REA Express, Inc. (REA). The carrier presents data showing lower rates than REA for shipments between 50 and 100 pounds. We note, however, that many of the proposed rates for shipments of 10 and 25 pounds are higher than existing REA rates. In any event, we cannot find that this comparison supports the premiums proposed by United. The rate structure upon which United's priority rates are based is significantly different from REA's, with the REA rate structure reflecting a different operation and involving interline carriage.

United's support of its proposed minimum charges consists essentially of their equivalence to the carrier's current small-package charges, since they purportedly involve similar services. We do not believe, however, that such equivalence alone adequately justifies the lawfulness of United's proposed charges. The carrier makes no effort to support the lawfulness of its small-package charge by costs or by any other element. The Board has not issued any decision or other orders approving those rates. In the foregoing circumstances, we are reluctant to permit the increases proposed, amounting to from 50 to 250 percent above the current minimum charges, without investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. An investigation is instituted to determine whether the rates, charges, and provisions described in Appendix A hereto, and rules, regulations, or practices affecting such rates, charges, and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudical, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions; [4]

2. Pending hearing and decision by the Board, the rates, charges, and provisions described in Appendix A hereto are suspended and their use deferred to and including May 1, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The investigation instituted herein is hereby consolidated into the Priority Reserved Air Freight Rates Investigation, Docket 26838;

4. Except to the extent granted herein, the complaints of the Hawaii Air Cargo Shippers Association, Inc. in Docket 27328, The National Small Shipments Traffic Conference, Inc. in Docket 27291, and the Pet Industry Parties in Docket 27325, are hereby dismissed; and

5. Copies of this order shall be filed with the tariffs and served upon United Air Lines, Inc., the Hawaii Air Cargo Shippers Association, Inc., and the Pet Industry Parties, which are hereby made parties to Docket 26838.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-2149 Filed 1-23-75;8:45 am]

[3] In computing capacity costs, United utilizes priority weightings of 1.00 for priority freight as compared with .75 for regular freight, a 33.3 percent additional cost for priority service because the Board has in the past used those factors. Priority weighting, however, is a controversial issue in the Domestic Air Freight Investigation, Docket 22859, and we are reluctant to accept United's data prior to our decision in that investigation.

[4] Appendix A filed as part of the original.

COMMISSION ON CIVIL RIGHTS

DELAWARE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware State Advisory Committee will convene at 12 noon on February 14, 1975, at the YMCA, 11th & Washington Streets, Wilmington, Delaware.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street NW., Washington, D.C. 20037.

The purpose of this meeting is to plan for a one-day conference in early March, 1975 on equal employment opportunity.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 17, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-2152 Filed 1-22-75;8:45 am]

ILLINOIS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois State Advisory Committee (SAC) to this Commission will convene at 1 p.m. on February 19, 1975, at 230 S. Dearborn Street, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to plan program priorities for the chartered period.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 20, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-2153 Filed 1-22-75;8:45 am]

INDIANA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on February 15, 1975, at the Quality Inn, 1530 North Meridian Street, Indianapolis, Indiana 46202.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to review Migrant Report—conference for spring ERA position—New project—BI/Ed. Lake County.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 17, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-2154 Filed 1-22-75;8:45 am]

MASSACHUSETTS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts State Advisory Committee (SAC) to this Commission will convene at 12 noon on March 3, 1975, at the Jewish Labor Committee, 27 School Street, Boston, Massachusetts 02108.

Persons wishing to attend this meeting should contact the Committee Chairman or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss the education and school desegregation project and to discuss new business for the Committee.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C. January 20, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-2155 Filed 1-22-75;8:45 am]

MICHIGAN STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan State Advisory Committee (SAC) to this Commission will convene at 12:30 p.m. on February 13, 1975, at Genesee County Administration Building, 3rd floor, 1101 Beach Street, Flint, Michigan.

Persons wishing to attend this meeting should contact the Committee Chairman or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting shall be to develop projects chosen in the Advisory Committee's January planning meeting affecting Civil Rights in Michigan, and to further discuss Advisory Committee Membership.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 17, 1975.

ISAIAH T. CRESTWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-2156 Filed 1-22-75;8:45 am]

MONTANA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Montana State Advisory Committee (SAC) to this Commission will convene at 2:15 p.m. on February 22, 1975, at 202 Second Street, YMCA-Reading Room, Great Falls, Montana.

Persons wishing to attend this meeting should contact the Committee Chairman or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 20, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-2157 Filed 1-22-75;8:45 am]

NEW JERSEY STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey State Advisory Committee (SAC) to this Commission will convene at p.m. on February 11, 1975, in Newark College of Medicine and Dentistry, 100 Bergen Street, Newark, New Jersey.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss program on data collection for Hispanic CETA project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 20, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-2158 Filed 1-22-75;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a Factfinding meeting of the New York State Advisory Committee (SAC) to this Commission will convene at 8:45 a.m., on February 20, 1975, at Dutchess County Board of Representatives, 22 Market Street, Poughkeepsie, New York.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to hold hearings on Equal Opportunity in Public Employment.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 20, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-2159 Filed 1-22-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 324-8; OPP-32000/175 & 176]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, DC 20460.

On or before March 24, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after March 24, 1975.

APPLICATIONS RECEIVED (OPP-32000/175)

EPA File Symbol 4169-O. Aborn Chem. Industries, Inc., 168 "A" St., S. Boston MA 02210. ARK GENERAL PURPOSE INSECTICIDE SPRAY #5. Active Ingredients: Pyrethrins 0.500 percent; Piperonyl butoxide, technical 1.000 percent; N-octyl bicycloheptene dicarboximide 1.670 percent; Petroleum distillate 96.830 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4169-I. Aborn Chem. Industries, Inc., 168 "A" St., S. Boston MA 02210. ARK GENERAL PURPOSE INSECTICIDE SPRAY #3. Active Ingredients: Pyrethrins 0.300 percent; Piperonyl butoxide, technical 0.600 percent; N-octyl bicycloheptene dicarboximide 1.000 percent; Petroleum distillate 98.100 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8590-UAR. Agway Inc., PO Box 1333, Syracuse NY 13201. (((AGWAY))) DICHLONE—SULFUR 1.5-30D. Active Ingredients: Dichlone (2,3-dichloro-1,4-naphthoquinone) 1.5 percent; Sulfur 30.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 255-99. American Fluoride Corp., 17 Huntington Pl., New Rochelle NY 10801. FORMULATION 120 AN INDUSTRIAL AND HOUSEHOLD RESIDUAL INSECTICIDE. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500 percent; Pyrethrins 0.050 percent; Technical Piperonyl Butoxide 0.100 percent; N-Octyl Bicycloheptene Dicarboximide 0.166 percent; Aromatic Petroleum Distillate 0.406 percent; Petroleum Distillate 98.778 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1526-LNR. Chemical Distributors DBA Arizona Agrochemical Co., PO Box 21537, Phoeniz AZ 85036. AGRO-CHEM BRAND DISULFOTON 10 percent GRANULAR SYSTEMIC INSECTICIDE. Active Ingredients: O,O-Diethyl S-[2-ethylthio)ethyl] phosphorodithioate 10 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8612-IR. B & G Co., PO Box 20372, Dallas TX 75220. B & G LARVA-LUR. Active Ingredients: Dimethyl (2,2,2-Trichloro-1-Hydroxyethyl) phosphonate 5.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5185-EIE. Bio-Lab, Inc., PO Box 1489, Decatur GA 30031. BIO-GUARD BQ-25 HOSPITAL SPRAY DISINFECTANT & DEODORANT. Active Ingredients: Alkyl (C14 58 percent, C16 28 percent, C12 14 percent) dimethyl benzyl ammonium chloride 0.25 percent; Essential oils 0.50 percent; Isopropanol 43.22 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4-EUN. Bonide Chem. Co., Inc., 2 Wurz Ave., Yorkville NY 13495. BONIDE ZINC PHOSPHIDE BAIT. Active Ingredients: Zinc Phosphide 1.95 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1660-TE. Chemical Specialties Co., Inc., 51-55 Nassau Ave., Brookyln NY 11222. DRO ROACH & ANT KILLER. Active Ingredients: Pyrethrins 0.052 percent; Piperonyl Butoxide, Technical 0.260 percent; Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.500 percent; Petroleum Distillate 95.737 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7273-RUT. Crown Chem., 4995 N. Main St., Rockford IL 61101. CROWN CYPONA CONCENTRATE EMULSIFIABLE. Active Ingredients: Dimethyl phosphate of alpha-methylbenzyl 3-hydroxy-cis-crotonate 10.0 percent; 2,2-dichlorovinyl dimethyl phosphate 2.3 percent; Related compounds 0.2 percent; Petroleum Hydrocarbons 77.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8064-U. C. Alberto Culver Co., 2525 Armitage Ave., Melrose Park IL 60160. PROFESSIONAL ANT & ROACH EXTERMINATOR SYSTEM TERMINEX FORMULA 3. Active Ingredients: Pyrethrins 0.050 percent; Piperonyl butoxide, technical 0.100 percent; N-octyl bicycloheptene dicarboximide 0.166 percent; Chlorpyrifos [O,O-Diethyl-O-(3,5,6-trichloro-2-pyridyl) Phosphorothioate] 0.500 percent; Petroleum distillate 59.184 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8064-G. C. Alberto Culver Co. PROFESSIONAL ANT & ROACH EXTERMINATOR SYSTEM TERMINEX FORMULA 2. Active Ingredients: Pyrethrins 0.050 percent; Piperonyl butoxide, technical 0.100 percent; N-octyl bicycloheptene dicarboximide 0.166 percent; O,Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500 percent; Aromatic petroleum distillate 0.406 percent; Petroleum distillate 58.778 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8064-E. C. Alberto Culver Co. PROFESSIONAL ANT & ROACH EXTERMINATOR SYSTEM TERMINE FORMULA 1. Active Ingredients: Pyrethrins 0.050 percent; Piperonyl butoxide, technical 0.100 percent; TN-octyl bicycloheptene dicarboximide 0.166 percent, 2-(1-methylethoxy) phenol methylcarbamate 1.000 percent; Petroleum distillate 43.684 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 192-RRG. Dexol Industries, 1450 W. 228th St., Torrance CA 90501. DEXOL TOMATO LIFE. Active Ingredients: Beta-Naphthoxyacetic Acid 0.00325 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 352-342. E. I. Du Pont De Nemours & Co., Inc., Biochemicals Dept., Wilmington DE 19898. LANNATE METHOMYL INSECTICIDE WATER SOLUBLE POWDER (for use on Oranges, Lemons, Grapefruits & Tangelos in Calif.). Active Ingredients: S-methyl-N-[(methylcarbamoyl)oxy] thioacetimidate 90 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA Reg. No. 352-342. E. I. Du Pont De Nemours & Co., Inc., Biochemicals Dept., Wilmington DE 19898. LANNATE METHOMYL INSECTICIDE WATER SOLUBLE POWDER (for use on Carrots in Ariz. and Calif.). Active Ingredients: S-methyl-N-[(methylcarbamoyl)oxy] thioacetimidate 90 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 635-237. E-Z-Flo Chem. Co., PO Box 808, Lansing MI 48903. E-Z FLO ORCHARD MOUSE BAIT. Active Ingredients: Zinc Phosphide 2.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6621-LO. Eagle Chem. Co., 2819 W. Lake St., Chicago IL 60612. LIVESTOCK INSECT REPELLENT. Active Ingredients: Pyrethrins 0.06 percent; Piperonyl butoxide, technical 0.12 percent; N-octyl bicycloheptene dicarboximide 0.20 percent; Di-n-propyl isocinchomeronate 0.40 percent; Petroleum distillate 99.22 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6621-AN. Eagle Chem. Co., 2819 W. Lake St., Chicago IL 60612. ANIMAL GUARD REPELLENT AND INSECTICIDE. Active Ingredients: Pyrethrins 0.10 percent; Piperonyl butoxide, technical 0.20 percent; N-octyl bicycloheptene dicarboximide 0.33 percent; Di-n-propyl isocinchomeronate 0.40 percent; Petroleum distillate 98.97 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4704-UA. J. C. Ehrlich Chem. Co., 800 Hiesters Lane, Reading PA 19605. MAGIC CIRCLE DEER REPELLENT. Active Ingredients: Thiram (tetramethylthiuram disulfide) 20 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32862-R. Environmental Services, Inc., PO Box 944, Great Falls MT 59403. SBP-1382 ULV INSECTICIDE SYNPRO RESMETHRIN. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 4.22 percent; Related compounds 0.57 percent; Aromatic petroleum hydrocarbons 5.59 percent; Mineral oil 89.45 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4482-RU. Epic Chem., Inc., 89 Coffey St., Brooklyn NY 11231. E Z-SAN DISHWASHING DETERGENT. Active Ingredients: n-Alkyl (50 percent C14, 40 percent C12, 10 percent C16) Dimethyl Benzyl Ammonium Chloride 5.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 257-EOL. Fuld-Stalfort, Inc., 1354 Old Post Rd., Havre de Grace MD 21078. SPRAY DISINFECTANT. Active Ingredients: Ethyl alcohol 37.000 percent; Triethylene glycol 8.000 percent; n-alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chloride 0.0500 percent; n-alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chloride 0.0500 percent; 4,5-Dibromosalicylanilide 0.0067 percent; 3,4-Tribromosalicylanilide 0.0067 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 279-E000. FMC Corp., A.C.D. Industrial Sales Dept., 100 Niagara St., Middleport NY 14105. PYRENONE 30-3 S. E. CONCENTRATE INSECTICIDE. Active Ingredients: Pyrethrins 3.00 percent; Piperonyl Butoxide, Technical 30.00 percent; Petroleum Oil 12.00 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 279-E00I. FMC Corp., Agricultural Chem. Div. PYRENONE DIAZINON "DUAL USE" E. C. RESIDUAL INSECTICIDE. Active Ingredients: Pyrethrins 3.33 percent; Piperonyl Butoxide, Technical 16.64 percent; O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrindinyl) phosphorothioate 32.02 percent; Aromatic Petroleum Derivative 24.91 percent; Petroleum Distillate 13.32 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279-2918. FMC Corp., Industrial Sales Dept., Agricultural Chem. Div. PYRENONE 25-5 M.A.G. CONCENTRATE. Active Ingredients: Pyrethrins 5.0 percent; Piperonyl Butoxide, Technical 25.0 percent; Petroleum Oil 70.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279-1500. FMC Corp., Niagara Chem. Div. NIAGARA METHYL PARATHION 4 MISCIBLE. Active Ingredients: O,O-Dimethyl O-p-nitrophenyl thiophosphate 45.1 percent; Xylene base aromatic petroleum solvent 47.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905-UGI. Helena Chem. Co., 5100 Poplar Ave., Memphis TN 38137. HELENA MALATHION — PARATHION WETTABLE. Active Ingredients. Malathion 18.99 percent; Ethyl Parathion 12.54 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34911-RN. Hi-Yield Chem. Co., PO Box 460, Bonham TX 75418. HI-YIELD ROSE & FLOWER DUST. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 3 percent; Folpet N-(trichloromethylthio) phthalimide 5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6593-0. Hygienic Sanitation Co., Inc., 248 W. Wingchoching St., Philadelphia PA 19140. HYGIENIC DIAZINON SPRAY. Active Ingredients: O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.500 percent; pyrethrins 0.052 percent; technical piperonyl butoxide (equivalent to 0.209 percent (butyl carbityl) (6-propyl piperonyl) ether and 0.052 percent other related compounds) 0.261 percent, petroleum distillate 99.187 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 407-GIT. Imperial Inc., PO Box 423, Shenandoah IA 51601. IMPERIAL THIRAM SEED PROTECTANT. Active Ingredients: Thiram (Tetramethylthiuram disulfide) 50 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342-OLR. Kerr-McGee Chem. Corp., Kerr-McGee Center, Oklahoma City OK 73125. FASCO C-Z-M-B NO. 3 A FUNGICIDE-NUTRITIONAL COMBINATION FOR CITRUS FOR USE IN FLORIDA ONLY. Active Ingredients: Copper as metallic (Derived from Basic Copper Sulfate) 20.10 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 453-EAI. Wood Treating Chem. Dept. Koppers Co., Inc., 5137 S.W. Ave., St. Louis MO 63110. KOPPERS TIMBERTOX 20NW WOOD PRESERVATIVE. Active Ingredients: Pentachlorophenol 4.47 percent; Other Chlorophenols & Related Compounds 0.53 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 453-EAO. Wood Treating Chem. Dept., Koppers Co., Inc. KOPPERS WOODTOX PRE-PRIME-T CONCENTRATE. Active Ingredients: Pentachlorophenol 19.35 percent; Other Chlorophenols and Related Compounds 2.25 percent. Method of Support: Application proceeds under 2(c) interim policy.

EPA File Symbol 453-ETN. Wood Treating Chem. Dept., Koppers Co., Inc. KOPPERS WOODTOX PRE-PRIME-T READY TO USE. Active Ingredients: Pentachlorophenol 47 percent; Other Chlorophenols and Related Compounds 53 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 453-ETR. Wood Treating Chem. Dept., Koppers Co., Inc. KOPPERS WOODTOX 140-T READY TO USE. Active Ingredients: Pentachlorophenol 4.47 percent; Other Chlorophenols and Related Compounds 0.53 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 961-GNU. Lebanon Chem. Corp., The Bishop Co. Div., PO Box 180, Lebanon PA 17042. AGRICO WEED CONTROL WITH GRASS FOOD. Active Ingredients: Dimethylamine Salt of 2,4-dichlorophenoxyacetic acid 1.30 percent; Isooctyl ester of Silvex [2-(2,4,5-trichlorophenoxy) propionic acid] 0.60 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2224-UI. Mobil Chem. Co., PO Box 26683, Richmond VA 23261. MOBIL MOCAP PLUS NEMATICIDE-INSECTICIDE FOR TOBACCO AND PEANUTS. Active Ingredients: O-Ethyl S,S-Dipropyl Phosphorodithioate O,O-Diethyl S-[2-(ethylthio) ethyl] 10 percent; Phosphorodithioate 5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 70-ENL. Rigo Co., 1200 Fort Wayne, Natl. Bank Bldg., Fort Wayne IN 46802. KILL-KO TOBACCO TREATER. Active Ingredients: Lindane (gamma isomer of benzene hexachloride) 10 percent. Method of Support: Applicant proceeds under 2(c) of interim policy.

EPA File Symbol 523-IT. Roberts Laboratories, 4995 N. Main St., Rockford IL 61101. ROBERTS DUO KILL CONCENTRATE EMULSIFIABLE. Active Ingredients: Dimethyl phosphate of alpha-methylbenzyl 3-hydroxy-cis-crotonate 10.0 percent; 2,2-dichlorovinyl dimethyl phosphate 2.3 percent; Related compounds 0.2 percent; Petroleum hydrocarbons 77.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 148-475. Thompson-Hayward Chem. Co., PO Box 2383, Kansas City KS 66110. T-H PARATHION E-8. Active Ingredients: Parathion: O,O-diethyl O-p-nitrophenyl thiophosphate 80.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 148-590. Thompson-Hayward Chem. Co. T-H MALATHION E-8. Active Ingredients: Malathion 82.00 percent; Xylene 1.60 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 148-865. Thompson-Hayward Chem. Co. T-H DE-FEND E-267 DIMETHOATE SYSTEMIC INSECTICIDE. Active Ingredients: Dimethoate (O,O-dimethyl S- [N-methylcarbamoylmethyl] phosphorodithioate) 30.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 499-RIU. Whitmire Research Lab., Inc., 3568 Tree Ct. Industrial Blvd., St. Louis MO 63122. WHITMIRE PRESCRIPTION TREATMENT NO. 580. Active Ingredients: Pyrethrins 0.50 percent; Piperonyl butoxide, technical 1.00 percent; N-octyl bicycloheptene dicarboximide 1.67 percent; Petroleum distillate 96.83 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 499-RIL. Whitmire Research Lab., Inc., 3568 Tree Ct. Industrial Blvd., St. Louis MO 63122. WHITMIRE PRESCRIPTION TREATMENT NO. 581. Active Ingredients: Pyrethrins 0.100 percent; Piperonyl butoxide, technical 0.200 percent; N-octyl bicycloheptene dicarboximide 0.333 percent; Petroleum distillate 99.367 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 20954-G. Zoecon Corp., 975 California Ave., Palo Alto CA 94304. ZOECON TRICHLORFON TECHNICAL FOR MANUFACTURING USE ONLY FOR FORMULATION OF INSECTICIDES. Active Ingredients: trichlorfon Dimethyl 22,2-trichloro-1-hydroxyethylphosphonate 98 percent. Method of Support: Application proceeds under 2(c) of interim policy.

APPLICATIONS RECEIVED (OPP—32000/176)

EPA File Symbol 1459-UG. Bullen Chem. Co., Hook Rd., Folcroft PA 19032. C-525 DISINFECTANT TOILET BOWL CLEANER. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250 percent; Dioctyl dimethyl ammonium chloride 0.625 percent; Dideeyl dimethyl ammonium chloride 0.625 percent; Alkyl amino betaine 1.000 percent; Hydrogen chloride 8.000 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11558-E. Celanese Chem. Co., 1211 Ave. of the Americas, New York NY 10036. CHEMSTOR III LIQUID PRESERVATIVE FOR HIGH MOISTURE CORN, SORGHUM, WHEAT, OATS, BARLEY, GRASS FORAGE AND LEGUME FORAGE. Active Ingredients: Propionic Acid 56 percent; Acetic Acid 14 percent; Formaldehyde 11.1 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9404-UT. Chase & Co., PO Box 1697, Sanford FL 32771. SUNNILAND FUNGICIDE FOR VEGETABLES, TURF AND ORNAMENTALS DITHANE M-45. Active Ingredients: Manganese 16 percent; Zinc 2 percent; Ethylene bisdithiocarbamate ion ($C_4H_6N_2S_4$) 62 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 677-227. Diamond Shamrock Chem. Co., 1100 Superior Ave., Cleveland OH 44114. DIAMOND SHAMROCK DACTHAL G-5 HERBICIDE. Active Ingredients: Dimethyl tetrachloroterephtalate 5.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 677-218. Diamond Shamrock Chem. Co., 1100 Superior Ave., Cleveland OH 44114. DIAMOND SHAMROCK DACTHAL G-2.5 HERBICIDE. Active Ingredients: Dimethyl tetrachloroterephtalate 2.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279-1872. FMC Corp., 100 Niagara St., Middleport NY 14105. THIRAM 65 WETTABLE POWDER FUNGICIDE. Active Ingredients: Thiram (tetramethylthiuram disulfide) 65.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5605-RUU. Farmingdale Garden Lab., Inc., 136 Verdi St., Farmingdale, L.I. NY 11735. FARMINGDALE FORMULA D 2,4-D LAWN WEED & DANDELION KILLER. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 12.45 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10589-L. Pettibone Lab., Inc., Div. of International Dioxicide, Inc., 11 E. 44th St., New York NY 10017. MILDUGEN-C MILDEWCIDE CONCENTRATE. Active Ingredients: Chlorine Dioxide 1.8 percent; Didecyl Dimethyl Ammonium Chloride 1.0 percent; Isopropanol 2.5 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 10589-A. Pettibone Lab., Inc., Div. of International Dioxicide, Inc., 11 E. 44th St., New York NY 10017. MILDUGEN. Active Ingredients: Chlorine Dioxide 0.36 percent; Didecyl Dimethyl Ammonium Chloride 0.20 percent; Isopropanol 0.50 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 618-IA. Merck Chem. Div., Merck & Co., Inc., Rahway NJ 07065. B (THIABENDAZOLE - TRICHLORFON) HORSE WORMER. Active Ingredients: Thiabendazole 41.98 percent (5 g.); Trichlorfon 37.78 percent (4.5 g.). Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 618-IL. Merck Chem. Div., Merck & Co., Inc., Rahway NJ 07065. TOP FORM WORMER TWO (THIABENDAZOLE-TRICHLORFON) HORSE WORMER. Active Ingredients: Thiabendazole 41.98 percent (5 g.); Trichlorfon 37.78 percent (4.5 g.). Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8123-AI. Frank Miller & Sons, 13831 S. Emerald Ave., Chicago IL 60627. RESIDUAL VEGETATION KILLER. Active Ingredients: 2,4-bis (isopropylamino)-6-methoxy-s-triazine 1.5 percent; Petroleum distillate 94.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2224-37. Mobil Chem. Co., Phosphorus Div., PO Box 26683, Richmond VA 23261. MOBIL MOCAP 10 PERCENT GRANULAR NEMATOCIDE-INSECTICIDE. Active Ingredients: O-Ethyl S,S-Dipropyl Phosphorodithioate 10 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10290-EL. Professional Chem. Co., Inc., 4517 Yale, Houston TX 77018. 3-R RELIABLE RODENT REMOVER. Active Ingredients: 2 pivalyl 1-1, 3-Indandione (Pival) 0.025 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 30998-R. Richardson Wharf, PO Box 1019, Portland ME 04104. ALGICIDE 10 percent CONCENTRATED SWIMMING POOL ALGAECIDE. Active Ingredients: Alkenyl Dimethyl Ethyl Ammonium Bromide 10 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 777-LE. Lehn & Fink Products Div. of Sterling Drug Inc., 225 Summit Ave., Montvale NJ 07645. LYSOL LIQUID DISINFECTANT TOILET BOWL CLEANER. Active Ingredients: Hydrogen Chloride 8.50 percent; Alkyl (50 percent C14, 40 percent C12, 10 percent C16) Dimethyl Benzyl Ammonium Chlorides 1.00 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRGI. Thompson-Hayward Chem. Co., PO Box 2383, Kansas City KS 66110. KLEAN-UP 2,4-DB AMINE. Active Ingredients: Dimethylamine Salt of 4-(2,4-dichlorophenoxy) butyric acid 23.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 20004-2. Traylor Chem. & Supply Co., Inc., 1911 Lockwood Way, Orlando FL 32804. TRACO SUPER-FINE COPPER 53. Active Ingredients: Copper 53.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: January 17, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.75-2182 Filed 1-22-75;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD., ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, NY, 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 February 12, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

AMERICAN PRESIDENT LINES, LTD., SEATRAIN TERMINALS OF CALIFORNIA, INC., SEATRAIN LINES, INC. AND THE CITY OF OAKLAND

Notice of Agreement Filed by:

James H. Seymour, Esq.
American President Lines
International Building
601 California Street
San Francisco, California 94108

Agreement No. T-3038, among American President Lines, Ltd. (APL), Seatrain Terminals of California, Inc. (Terminals), Seatrain Lines, Inc. (Seatrain), and the City of Oakland (City) succeeds Agreement No. T-3013 (an agreement among the same parties temporarily permitting APL's use of certain terminal facilities prior to formalization of Agreement No. T-3038) and modifies Agreements Nos. T-2480, as amended, (an agreement between the City and Terminals providing for the lease of certain terminal facilities and the nonexclusive preferential assignment of berthing areas to Terminals) and T-2605 (an agreement between the City and Terminals providing for the nonexclusive preferential assignment to Terminals of land adjoining the facility leased under Agreement No. T-2480, above). The purpose of Agreement No. T-3038 is to provide for (1) the joint use by Terminals and APL until August 1, 2001, of a marine terminal in the Middle Harbor Terminal of the Port of Oakland, (2) the assignment to APL of all the rights, duties, liabilities and obligations of Terminals under Agreements Nos. T-2480, as amended and T-2605, with the exception of certain Construction Fund payment obligations, (3) the Port's designation of Terminals as a secondary user and not as a sublessee of the premises (exclusive of office space) and cranes, and (4) Terminals' lease from APL of an undivided 10 percent interest in the office space. Under this agreement, the office space rental of $85,000 shall be shared 90 percent by APL and 10 percent by Terminals. Also, until the commencement of the third lease year, the total rental compensation, exclusive of office space rental, shall be shared 55 percent by APL and 45 percent by Terminals, and thereafter, during the term of the designation of secondary use, said total rental compensation shall be shared 65 percent by APL and 35 percent by Terminals. Terminals' payments for its use of APL's facility will be in lieu of any charges under the City's Port Tariffs.

By Order of the Federal Maritime Commission.

Dated: January 20, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2148 Filed 1-22-75;8:45 am]

CITY OF LONG BEACH AND BUILDING MATERIALS TERMINAL, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 12, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Leslie E. Still, Jr., Esq.
Deputy City Attorney of Long Beach
Suite 600—City Hall
Long Beach, California 90802

Agreement No. T-3047, between City of Long Beach (City) and Building Materials Terminal, Inc. (BMT) provides for a nonexclusive preferential assignment to BMT of Berth 6, Pier A located at the Port of Long Beach, California. Provision is also made for an exclusive assignment to BMT of land areas including improvements thereon and transit shed offices known as Parcels I, II, and III as further described in the agreement. The term of this agreement is for a period of 5 years, with renewal options. The leased premises are to be used for the operation of a marine terminal and other activities incidental thereto. As compensation for the use of Parcel I BMT will pay to City all applicable tariff charges arising out of its operations subject to an annual minimum of $227,713.00 which may be adjusted according to the provisions of the agreement. For the use of Parcels II and III BMT will pay to City a monthly amount totaling $5,335.00. BMT may elect to conduct its operations pursuant to the current tariff issued by the Port of Long Beach or it may publish its own tariff subject to review by City.

By Order of the Federal Maritime Commission.

Dated: January 20, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2151 Filed 1-22-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-3287]

ATLANTIC RICHFIELD CO.

Notice of Petition To Amend

JANUARY 16, 1975.

Take notice that on December 30, 1974, Atlantic Richfield Company (Petitioner), P.O. Box 2819, Dallas, Texas 75221, filed in Docket No. G-3287 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing the sale of natural gas to Natural Gas Pipeline Company of America (Natural) in accordance with the settlement agreement certified to the Commission in Hilda B. Weinert and Jane W. Blumberg, et al., Docket No. G-2730, et al., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

In the initial order issued in the instant docket on August 5, 1963, Petitioner was authorized to sell gas to Natural from certain acreage in the La Gloria Field, Brooks and Jim Wells Counties, Texas, pursuant to a gas sales contract dated January 25, 1950, as amended. Petitioner states that on March 1, 1971 it filed an application which requested, inter alia, authorization to sell to Natural additional volumes from the La Gloria Field previously sold under an expired contract with Transcontinental Gas Pipe Line Corporation (Transco) and that said application was consolidated for hearing, with those of other producers seeking similar authority, in Docket No. G-2730, et al. On March 21, 1973, the Commission in the order accompanying Opinion No. 655 (49 FPC 738) authorized Petitioner and others to increase deliveries to Natural in the amounts set forth in the applications. On November 12, 1973, the United States Court of Appeals for the District of Columbia Circuit reversed Opinion No. 655 and remanded it to the Commission for further proceedings. Transcontinental Gas Pipe Line Corporation v. FPC, 488 F.2d 1325 (D.C. Cir 1973).

Petitioner states that as a result of settlement negotiations an amendment dated August 31, 1974, to the January 25, 1950, contract has been entered into which, among other things, revises the dedication and quantity provisions of said contract to provide for various volumes to be delivered to Natural during certain periods which are different from the volumes committed under the contract under which sales were authorized in the instant docket. Petitioner further states that said amendment is proposed to become effective upon the Commission's issuing an order approving the settlement in the proceeding in Docket No. G-2730, et al. Petitioner proposes to sell gas at a change in the contractual rate level to the applicable rate prescribed in Section 2.56a of the Commission's rules of practice and procedure (18 CFR 2.56a) for that portion of the gas produced from wells commenced on or after January 1, 1973. Petitioner, accordingly, requests that in the event the Commission issues an order approving the settlement proposal an order be issued amending the certificate issued in the instant docket to authorize Petitioner to perform all acts and obligations provided for in the August 31, 1974, amendment with Natural.

Petitioner states that the August 31, 1974, amendment provides for delivery to Natural, on and after April 1, 1975, of volumes that will vary during prescribed periods so that over the remaining life of the reserves. Natural will receive 40 percent thereof. Petitioner proposes to sell the gas for 25.0 cents per Mcf and 54.16 cents per Mcf at 14.65 psia, as applicable.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2133 Filed 1-22-75;8:45 am]

[Docket No. CP73-149]

CENTRAL FLORIDA GAS CORP.

Notice of Motion To Amend Order Directing Physical Connection of Facilities and Sale of Natural Gas

JANUARY 17, 1975.

Take notice that on January 9, 1975, Central Florida Gas Corporation (Central Florida) filed a motion to amend the Commission's order issued July 25, 1973, in Docket Nos. RP66-4, et al., which include the above-docketed proceeding, to (1) direct Florida Gas Transmission Company (Florida Gas) to connect its facilities and to sell and deliver to Central Florida for resale to the City of St. Cloud, Florida, the annual quantity of 500,000 therms of natural gas authorized by the aforesaid order at an existing or relocated delivery point instead of the two authorized delivery points, one between Kissimmee and St. Cloud in Osceola County, Florida and another west and south of Orlando in Polk County, Florida; and (2) allow Central Florida a period of six months from the date of the Commission's order herein in which to prepare for the receipt of such natural gas deliveries.

In support of its motion, Central Florida alleges that most of the motels and commercial establishments that had signed Letters of Intent to purchase natural gas from it have temporarily shut down because of an over-supply of motels in the Orlando-Disney World area and delays in the completion of the proposed Circus World project. Central Florida claims that consequently, it could take delivery only of limited volumes of natural gas at the authorized delivery points. Central Florida further alleges that it has received an urgent request from the City of St. Cloud for the purchase of the authorized natural gas volumes and that reallocation of such volumes to the City of St. Cloud delivery point would enable Florida Gas to reduce the pipeline which it proposes to construct pursuant to its application in Docket No. CP74-192.

Central Florida asserts that several months will be required to construct a new distribution line if the City of St. Cloud's request is approved, and alternatively, additional time to proceed with original plans for the Florida Gas connection in the event that the City's request is denied.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before January 28, 1975. The notices and petitions for intervention previously filed in this proceeding will not operate to make those parties interveners or protestants with respect to the instant filing. 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 in accordance with the Commission's Rules. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2134 Filed 1-22-75;8:45 am]

[Docket Nos. RP72-142, PGA75-3]

CITIES SERVICE GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

JANUARY 17, 1975.

Take notice that Cities Service Gas Company (Cities) on January 8, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. Cities states that pursuant to the Purchased Gas Cost Rate Adjustment provision contained in Article 21 of its FPC Gas Tariff, it proposes to increase its rates effective February 23, 1975, to reflect an increase in the cost of gas purchased from Oklahoma Natural Gas Gathering Corporation, one of Cities' pipeline suppliers.

Cities states that the Third Alternate Substitute Ninth Revised Sheet PGA-1 here filed is proposed should the Commission act on Cities' December 2, 1974 filing in Docket No. RP72-142, by accepting Substitute Ninth Revised Sheet PGA-1 in Appendix B. Alternatively,

Cities states that the Fourth Alternate Substitute Ninth Revised Sheet PGA–1 here filed is proposed should the Commission accept the Substitute Ninth Revised Sheet PGA–1 in Appendix A filed December 2, 1974.

Copies of the Company's filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in RP72–142, PGA75–3, and RP74–4.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2136 Filed 1-22-75;8:45 am]

[Docket No. E-9207]

DUKE POWER CO.

Notice of Proposed Change in FPC Electric Rate Schedule

JANUARY 17, 1975.

Take notice that on January 6, 1975, Duke Power Company (Duke) tendered for filing a proposed change in Duke Power Company Rate Schedule FPC No. 233. Duke states that this rate schedule is the contract between itself and the Town of Davidson (Town). Duke states that the change increases the contract demand from 2,800 kw to 4,500 kw and is made at the request of the Town. Duke further states that the requisite agreement has been obtained as shown by the signature of both parties on the Exhibit A–1 which accompanied the tendered filing. The proposed effective date is February 19, 1975.

A copy of the filing has been mailed to the Mayor of the Town.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2137 Filed 1-22-75;8:45 am]

[Docket No. RP75-39]

EL PASO NATURAL GAS CO.

Order Accepting for Filing and Suspending Tendered Tariff Sheets, Granting Request for Waiver, Denying Motion To Phase and Consolidate Rate of Return Issue, Permitting Interventions, Providing for Hearing and Establishing Procedures

JANUARY 15, 1975.

Before Commissioners: John N. Nassikas, Chairman; Albert B. Brooke, Jr., Rush Moody, Jr., William L. Springer, and Don S. Smith.

On December 16, 1974, El Paso Natural Gas Company (El Paso) tendered for filing revised tariff sheets [1] which would increase rates to jurisdictional customers by approximately $70 million annually. El Paso states that the proposed rate change would increase its overall rate of return to 9.8 per cent. El Paso proposes that the increase be permitted to become effective on January 16, 1975.

In support of its filing, El Paso states that the instant request for increased rates is necessitated by its declining gas supply, increases in the costs of labor, capital, materials and supplies, and increases in overriding royalty payments.

El Paso has requested waiver of § 154.63(e)(2)(i) of the Commission's regulations to permit the Company to include, in the proposed rates, the effect of an increase in special overriding royalty costs. According to El Paso, increases in such royalty costs will be incurred by the Company on June 1, 1975, as a result of issuance of Commission Opinion No. 699–H.[2] El Paso, in support of its request for waiver, contends that this cost is significant, is known and measureable, and will be incurred only one day after the close of the test period used for the instant filing. El Paso has tendered an alternative set of revised tariff sheets should its request be denied.

Our review of El Paso's request for waiver of the Regulations to permit inclusion of such special overriding royalty costs indicates that good cause exists to grant such request. Accordingly, we shall grant waiver of § 154.63(e)(2)(i) of the Regulations, as hereinafter ordered.

Concurrently with its instant rate increase filing, El Paso filed a motion to phase the rate of return issue raised by the instant filing and to consolidate for immediate hearing and decision said issue with the rate of return issue raised by El Paso's filings in Docket Nos. RP73–104 and RP74–57. In support of its motion, El Paso states that the Company "has recently been seriously hampered in its attempts to raise additional debt capital in the money market * * *." Therefore, El Paso contends, the procedural relief requested and a timely decision upon the rate of return issue are needed for the Company to attract additional capital at reasonable costs and maintain investor confidence.[3]

Our review of El Paso's motion to phase and consolidate the rate of return issue indicates that said motion should not be granted. Past experience in proceedings wherein we have permitted phasing of certain issues has shown that such procedure does not necessarily result in an expeditious resolution of those issues. Moreover, our experience indicates that such procedure may actually lengthen the time period required to resolve all the issues in a given docket. For these reasons, we believe that the public interest requires that we deny El Paso's motion.

Public notice of El Paso's filing was issued with comments, protests and petitions to intervene due on or before January 6, 1975. Petitions to intervene were timely filed by Citizens Utilities Company, Arizona Public Service Company, the Navajo Tribal Utility Authority, Tucson Gas and Electric Company, Pacific Gas and Electric Company, Southern Union Gas Company, and Southern California Gas Company. Southwest Gas Corporation filed its petition to intervene on January 7, 1975, one day after the period for timely interventions had ended. On January 8, 1975, San Diego Gas and Electric Company and the Salt River Project Agricultural Improvement and Power District filed their respective petitions to intervene. Upon review of all of these petitions to intervene, we believe that good cause exists to grant intervention to each petitioner.

Based on our review of El Paso's proposed rate increase, including the documents, information and studies submitted therewith as required by the Commission's Regulations, and the aforementioned petitions to intervene, we find that the requested increase may be excessive or otherwise unlawful under the Natural Gas Act. Accordingly, the proposed increase shall be accepted for filing, suspended for the full statutory period, and set for hearing.

We note that in the instant filing, El Paso uses the modified Seaboard method of cost classification for allocation of costs between jurisdictional and nonjurisdictional customers. El Paso's rate design is based upon several methods, including historical zone differentials, direct assignment of costs and uniform cost increases to existing rate levels.

In Opinion No. 671 we expressed our concern over the worsening gas supply situation and particularly as it existed on United's system. Based upon the record in that case we concluded that more weight should be given to annual use of United's pipeline system than is characteristic of the unmodified Seaboard

[1] Fifteenth Revised Sheet No. 3–B and Second Revised Sheet No. 63–C.3 to Original Volume No. 1; Fifth Revised Sheet No. 1–D and Second Revised Sheet No. 1–M.3 to Third Revised Volume No. 2; and Seventh Revised Sheet No. 1–C, Second Revised Sheet No. 1–D, and Second Revised Sheet No. 7–MM.3 to Original Volume No. 2–A, FPC Gas Tariff.

[2] Opinion No. 699–H, issued December 4, 1974, in Docket No. R–389–B.

[3] The Navajo Tribal Utility Authority and Southern Union Gas Company filed, together with their respective petitions to intervene, statements supporting El Paso's motion to phase and consolidate the rate of return issue. Pacific Gas and Electric Company and Southern California Gas Company stated in their petitions to intervene that they do not oppose El Paso's motion.

methodology. Therefore, we assigned 75 percent of fixed costs to the commodity component of two-part rates and to the straight-line rates. Part of our rationale was that in view of the gas supply shortage, low priority usage should be discouraged and the price gap between natural gas and alternative fuels in the interruptible industrial market should, at the minimum, be narrowed.

In light of our policy of considering competitive fuel prices in setting commodity rate levels and of the present supply and market conditions on the El Paso system, all parties to this proceeding should direct their attention, and file any evidence they wish to submit, as to the propriety of the continued use of the Seaboard method of cost classification and allocation, as well as to the propriety of El Paso's rate design proposed herein. Further, we urge all parties to suggest alternative methods of cost classification, allocation and rate design which they believe may more closely reflect or implement the Commission's objectives in this area.[1]

As previously noted, El Paso's request for increased rates is based in part upon the fact that its deliverability of gas from connected sources is declining. The present gas shortage in this country, to which this Commission has often called attention, is a problem which is shared by most if not all major interstate transmission pipelines in varying degrees of magnitude. The effect upon the risk of capital invested in gas pipeline operations resulting from inadequate and declining gas supplies as well as the uncertainties and contingencies inherent in possible supplemental sources of supply are of direct and primary concern to us. It also seems clear that the gas shortage may result in situations where the useful or economic life of gas pipeline facilities may be substantially less than their physical life. Accordingly, we request that the evidence in this proceeding, including that to be filed by our Staff, give full and careful consideration to these factors in the development of recommendations on the issue of rate of return so as to enable this Commission to formulate sound regulatory policies in this area.

The Commission finds:

(1) The revised tariff sheets listed in footnote "1" at page 1 of this order, as tendered by El Paso on December 16, 1974, should be accepted for filing and suspended as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in El Paso's FPC Gas Tariff, as proposed to be amended in Docket No. RP75–39.

(3) Good cause exists to grant El Paso's request for waiver of Section 154.63(e)(2)(i) of the Commission's Regulations, as said request is discussed herein.

(4) Good cause does not exist to grant El Paso's motion to phase and consolidate the rate of return issue raised in the instant filing.

(5) Participation of the above-named petitioners to intervene may be in the public interest, provided that such participation is limited as hereinafter ordered.

The Commission orders:

(A) El Paso's tariff sheets proffered in Docket No. RP75–39 are accepted for filing and suspended for the full statutory period of five months until June 16, 1975, or until such time as they are made effective in the manner provided by the Natural Gas Act, subject to refund.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a hearing shall be held to determine the justness and reasonableness of the rates proposed in El Paso's December 16, 1974, filing.

(C) On or before July 14, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Prepared testimony and exhibits of intervenors shall be served on or before July 28, 1975. Company rebuttal shall be served August 13, 1975. Cross-examination of the evidence shall commence on August 25, 1975, at 10:00 A.M., EDT in a hearing room at the Federal Power Commission, Washington, D.C. 20426.

(D) El Paso's request for waiver of § 154.63(e)(2)(i) of the Commission's regulations is hereby granted.

(E) El Paso's motion to phase and consolidate the rate of return issue raised in the instant filing is hereby denied.

(F) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's rules and regulations.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2138 Filed 1-22-75;8:45 am]

[1] See: Footnote 3 in our order of May 31, 1974, in Columbia Gas Transmission, et al., Docket Nos. RP74-82 and RP74-81.

[Docket Nos. RP69-6, et al.]

EL PASO NATURAL GAS CO.

Notice of Substitute Tariff Sheets Tender

JANUARY 16, 1975.

Take notice that on December 9, 1974, El Paso Natural Gas Company (El Paso) tendered for filing certain substitute revised tariff sheets to its FPC Gas Tariff, Original Volume Nos. 1 and 2A, and a Report of Refunds Due which El Paso claims to be in accordance with the Stipulation and Agreement in Settlement of Rate Proceedings dated May 31, 1973, and ordering Paragraph (D) of the Commission's Order Approving Settlement, Reserving Issue for Hearing and Consolidating Proceedings, issued February 14, 1974, at Docket Nos. RP69-6, et al.

El Paso further states that the tendered tariff sheets are applicable to all rate schedules contained in said Original Volume No. 1 tariff and those special rate schedules contained in El Paso's Original Volume No. 2A tariff, under which the applicable rate is keyed to, and identical with, the rate in effect from time to time under a designated rate schedule, contained in Original Volume No. 1 of El Paso's FPC Gas Tariff. Similarly, special Rate Schedules X-7, X-14, X-25 and X-30 of El Paso's FPC Gas Tariff, Third Revised Volume No. 2 are also keyed to rates in effect from time to time under a designated rate schedule contained in the Original Volume No. 1 tariff; however, such rate schedules do not contain a tariff sheet specifically identifying the effective rate during the refund periods of Docket Nos. RP69-6, RP70-11, RP71-13 and RP72-150, and therefore El Paso alleges that substitute tariff sheets for said rate schedules need not be filed. El Paso also states that the tendered tariff sheets reflect the reduced rate levels provided by the said Stipulation and Agreement for the term of the cumulative locked-in period March 7, 1969, through November 1, 1973, of the subject dockets.

Further, El Paso states the principal refund resulting from the settlement aggregates $50,523,679.23, of which $47,066,165.30, are jurisdictional refunds. El Paso submitted as a part of the instant filing computations supporting said principal refund, reflecting the amount of principal refund due under each rate schedule and to each customer affected by said settlement. El Paso proposes to make the subject refund, together with the appropriate interest thereon, within thirty (30) days of Commission approval of the tendered tariff sheets and refund amount.

El Paso states that copies of the filing were served on all of El Paso's affected Southern Division System customers and all parties of record to the proceedings at Dockets Nos. RP69-6, RP69-20, RP70-11, RP71-13 and RP72-150 and interested state regulatory 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 January 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2139 Filed 1-22-75;8:45 am]

[Docket No. RP75-53]

FLORIDA GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 16, 1975.

Take notice that on January 10, 1975, Florida Gas Transmission Company (Florida Gas) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume Nos. 1 and 2.

The proposed rate changes would increase Florida Gas' revenues from jurisdictional sales and transportation services by $5,495,725, based on the twelve months ended September 30, 1974 as adjusted. Florida Gas proposes to make the increased rates effective February 10, 1975.

Florida Gas states that the increased rates are required to reflect the effect on its cost of service and revenue requirements of reduced deliveries of natural gas because of declining deliverability from connected gas supplies, increases in operating expenses, depreciation expense and taxes, costs related to an advance payment of $20 million, and increases in cost of capital including an overall rate of return of 10.25%.

Florida Gas states that copies of its rate filing were served on all the Company's jurisdictional customers and the Florida Public Service Commission. Also, Florida Gas states that Statement P will be filed within fifteen days of its filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 February 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-2140 Filed 1-22-75; 8:45 a.m.]

[Docket No. E-8987]

INDIANA AND MICHIGAN ELECTRIC CO.

Order Accepting for Filing Proposed Service Agreement, Granting Request for Waiver, and Denying Motion To Reject and Request for Hearing

ISSUED JANUARY 17, 1975.

On August 21, 1974, Indiana and Michigan Electric Company (I&M) tendered for filing an unsigned agreement with the City of Auburn, Indiana (Auburn), which would provide service for Auburn under I&M's FPC Tariff WS. The new rate schedule would cancel and supersede I&M's FPC Rate Schedule No. 29, under which service is presently being rendered to Auburn. I&M asserted that the reason for the proposed change is to modify the applicable rate for service to Auburn from Tariff IP to the Company's Tariff WS, the applicable rate to municipal wholesale customers. The proposed change would increase I&M's revenues from jurisdictional sales and service to Auburn by approximately $114,375 or 9.1%, based on the twelve-month period ended October 31, 1974.

I&M requested waiver of § 35.13 of the Commission's regulations to the extent that the provisions would require I&M to prepare and file an entirely new cost-of-service study. I&M asserted that a full cost of service study was filed in its initial filing of Tariff WS, in Docket No. E-7740, and that the cost of preparing a new study would be prohibitive, relative to the increased revenues to be derived from the proposed rate schedule change.

Notice of I&M's filing was issued on September 4, 1974, with comments, protests, or petitions to intervene due on or before September 20, 1974. On September 20, 1974, Auburn filed a "Petition to Intervene, Formal Protest, and Request for Rejection" of I&M's filing. Auburn requested the Commission to reject I&M's filing alleging (1) that the filing is in violation of the contract between I&M and Auburn signed on November 16, 1964; (2) that the filing is in violation of the anti-discrimination provisions of the Federal Power Act and Clayton Act; and (3) that even if I&M's filing did not violate its contract with Auburn, the earliest date the changes could be made effective would be November 17, 1974.

On October 7, 1974, I&M filed with the Commission a response to Auburn's petition submitting that Auburn's request for rejection of the August 21, 1974 filing is totally unsupportable. I&M stated, however, that it had no objection to the request of Auburn to intervene in these proceedings.

By order dated October 18, 1974, we conditionally accepted for filing the proposed service agreement and granted intervention to Auburn. We also stated our opinion that "a finding by this Commission that Auburn has the contractual right to continue to receive service under I&M's IP rate schedule would render unnecessary a determination of Auburn's other allegations * * *" (mimeo at 4). We therefore first directed ourselves to the issue of whether Auburn has the contractual right to continue to receive service under Tariff IP. Because we felt it would aid us in a proper determination of Auburn's contractual rights we requested, in our October 18, 1974 order, that briefs be filed on the limited issue of interpreting and reconciling seemingly inconsistent provisions in the 1964 I&M-Auburn service agreement, Tariff IP, and the Terms and Conditions of Service. Pursuant to our directive, both I&M and Auburn filed initial and reply briefs.

THE I&M-AUBURN SERVICE AGREEMENT

The 1964 I&M-Auburn Service Agreement provides that:

> The Company is to furnish and the Customer is to take electric energy under the terms of this Agreement for a period of ten (10) years from the time such service is commenced, and thereafter in successive periods of not less than two (2) years each, *until either party shall give the other not less than 12 months notice in writing of his or its election to discontinue the services at the expiration of any said periods.* (italics supplied)

The Agreement further incorporated the provisions of Company Tariff IP which provided, in part, as follows:

> Contracts under this tariff will be made for a term of years taking into consideration the size of the load, the location of the load, and the amount of facilities to be furnished by the company in serving the load, but contracts will not be made for initial periods of less than 3 years with self-renewal provisions for successive periods of at least 2 years each. *Contracts may be cancelled or reduced in capacity by either party at the end of initial or renewal periods on a minimum of 12 months' prior written notice to the other party.* (italics supplied)

The provisions of Tariff IP additionally incorporated the "Terms and Conditions of Service". Section 11 of the Terms and Conditions of Service provides as follows:

> With particular reference to power customers it shall be understood that upon the expiration of a contract the customer may elect to renew the contract upon the same or another tariff published by the Company * * *

Auburn maintains that, notwithstanding I&M's notice of termination and the filing of an unsigned service agreement placing Auburn under the WS Tariff, it has the contractual right to elect to continue to receive service under Tariff IP. Auburn's position is that the contract, at the end of the initial term of ten years, would be automatically renewed for seven consecutive two-year terms as provided in the service agreement. Auburn alleges that upon a notification of termination prior to the expiration of this twenty-four year period Section 11 of the Terms and Conditions comes into play and gives Auburn, and only Auburn, the right to elect to continue to receive service under the same tariff for the full twenty-four year term.[1] Auburn alleges that any other

[1] City of Auburn, Indiana's Petition to Intervene, Formal Protest and Request for Rejection of Rate Schedules Submitted for Filing, filed September 20, 1974, at p. 13.

interpretation would render Section 11 meaningless. Auburn further points out that its contract right of election does not force I&M to serve it in perpetuity but only so long as I&M maintains a Tariff IP.[3]

I&M, on the other hand, maintains that Auburn has no right to elect to continue to receive service under Tariff IP. In support of its position I&M points out that at an earlier point in time Auburn itself acknowledged that I&M had the right to impose a new rate schedule upon Auburn at the conclusion of the first ten year term under the 1964 Agreement.[5] I&M further alleges that since the Agreement itself and Tariff IP provide for a right of termination and cancellation by either party, that section 11 of the Terms and Conditions comes into play only at the expiration of the 24 year term of contract. I&M therefore argues that there is a legal distinction between the expiration of a contract by its own terms and the termination of a contract during its term under provisions bestowing the right of termination. I&M asserts that its interpretation of the interrelationship of the provisions in the 1964 Agreement and the Terms and Conditions of Service gives meaning to all of the provisions and that Auburn's interpretation of section 11 of the Terms and Conditions would completely negate the clear and unambiguous provisions in both the Service Agreement and Tariff IP providing either party with termination rights.

Upon review of the 1964 Service Agreement, Tariff IP, the Terms and Conditons of Service, the pleadings and the briefs filed herein we are compelled to find that Auburn's contention that it has the right to elect to continue service under Tariff IP for the duration of the twenty-four year contract term is without merit. We have closely scrutinized the specific provisions in the Service Agreement, Tariff IP and the General Terms and Conditions of Service and have applied the rules of contract interpretation to reach our finding. The contractual provision in the Service Agreement and the provision in Tariff IP which provide either party with the right to terminate service at the conclusion of any of the periods are clear and unambiguous. These provisions, provide both parties with the right to terminate service. Section 11 does not speak to termination but to expiration of the contract. While it is true that each period provided for in the contract (the ten-year term and seven two-year terms) does expire, the contract itself does not expire until a minimum of twenty-four years after the commencement of its initial term. Reading all the provisions together to give meaning to each provision, we conclude that I&M, as well as Auburn, with proper notice, has the contractual right to terminate service at the conclusion of any of the terms provided by the Service Agreement. Section 11 of the Terms and Conditions, rather than giving Auburn the right to nullify the right to terminate by I&M, provides the customer, Auburn, with the right to elect to continue service under Tariff IP or another tariff at the expiration of all the terms of the contract if neither party has yet exercised its right to terminate service.

After close scrutiny of the provisions here involved and the arguments advanced by both parties, we find that Auburn's interpretation of the provisions has the effect of rendering useless and meaningless the termination provisions. Since it is a primary rule of contract interpretation to read and interpret a contract so as to give meaning to all of its terms,[4] we must reject Auburn's interpretation.

The contractual interpretation which we have adopted places each provision in question in harmony with the others and provides a totally consistent application. Moreover, our reading is supported by the principles of contractual interpretation. Even though Auburn argues that its previous statements are irrelevant to this present proceeding, the fact remains that it has previously stated that I&M had termination rights under the Service Agreement.[6] This action calls to our attention the rule that the interpretation of contracts given by the parties themselves should be favored.[6] Secondly, the provisions of the Service Agreement should be given precedence if they conflict with provisions in Tariff IP and the Terms and Conditions since the Service Agreement was the bargain struck by the two parties, while Tariff IP and the Terms and Conditions are intended for general use of all customers served thereunder.[7] Finally, the rule of contract interpretation requiring that effectiveness be given to the intention appearing in the principal or most important clause[8] demands we give effect to the Service Agreement's provision bestowing the right of termination.

We find therefore, that Section 11 of the Terms and Conditions of Service does not preclude I&M from terminating service to Auburn under Tariff IP and filing an unsigned service agreement providing for service to Auburn under Tariff WS. Because we do not reject I&M's filing as being inconsistent with the 1964 Service Agreement with Auburn, we now turn to a disposition of the other issues presented by this proceeding.

Auburn's Claim of Discrimination

Auburn argues in its protest that I&M's filing violates the anti-discrimination provisions in the Federal Power Act and Clayton Act because it discriminates against Auburn both by placing it in an inferior competitive position for industrial customers with regard to I&M and by giving it discriminatory rate treatment vis-a-vis the City of Richmond. With regard to Auburn's allegation of being placed in an inferior competitive position to I&M, we have previously held that it is beyond our statutory authority to tie wholesale rates to the rates charged to direct industrial customers.[9] Auburn's allegation of discrimination vis-a-vis the City of Richmond is an issue in the proceeding in Docket No. E-7740. In that proceeding we permitted the parties to introduce evidence to determine whether I&M was discriminating among its municipal customers.[10] Since the testimony on that point concerned the same WS Rate Schedule presently at issue, Auburn, which was a participant in the proceeding, has been afforded the opportunity to submit evidence on this point. The decision to be rendered in the proceeding in Docket No. E-7740 will therefore be dispositive of the discrimination issue and no additional hearing is required.

Request for Suspension and Hearing

In the event I&M's filing is not rejected, Auburn, in its Protest and Petition to Intervene, requested the Commission act in the alternative by suspending the filing for the full 5-month statutory period and set the matter for hearing. The present filing by I&M would place Auburn under the WS tariff which is the subject of the proceeding in Docket No. E-7740. The effectiveness of I&M's initial WS Tariff filing was therein suspended for five months and set for hearing subject to refunds.[11] Auburn was afforded the opportunity to participate, and indeed did participate in those lengthy proceedings. In view of the fact that the effectiveness of the WS Tariff has already been suspended[12] and Au-

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[3] Id. at 14.

[5] Response of Indiana & Michigan Electric Company to the City of Auburn, Indiana, filed October 7, 1974, at p. 2-3; Brief of Indiana & Michigan Electric Company in Response to Federal Power Commission's Order of October 18, 1974, filed October 29, 1974, at p. 5.

[4] 4 Williston on Contracts 3rd ed., Section 618, at 710-711.

[6] "Supplemental Petition to Intervene, Formal Protest and Request for Rejection of Rate Schedules Submitted for Filing", filed by Auburn in Docket No. E-7740 on August 30, 1973, at 18-19.

[6] 4 Williston on Contracts, 3rd ed., section 623, at 789.

[7] *See* 4 Williston on Contracts, 3rd ed., section 622, at 776.

[8] 4 Williston on Contracts, 3rd ed., section 624, at 822.

[9] Southern California Edison Company, Docket No. E-8176, order issued September 21, 1973, rehearing denied November 2, 1973; Indiana and Michigan Electric Company, Docket No. E-7740, order issued November 27, 1973.

[10] Indiana & Michigan Electric Company, Docket No. E-7740, order issued July 3, 1973; Indiana & Michigan Electric Company, Docket No. E-7740, order issued November 27, 1973, wherein we stated: "* * * we cannot determine whether the contested discrimination actually exists until following the evidentiary hearing ordered in this docket * * * evidence on this issue is proper for examination in this docket." (at 4).

[11] Indiana and Michigan Electric Company, 48 FPC 304, 308 (1972).

[12] The U.S. Court of Appeals for the District of Columbia Circuit held that the Commission's suspension order was a nullity. However the Court subsequently employed its equity power to reinstate the suspension of I&M's rates for five months and allow the Commission to order refunds. Indiana & Michigan Electric Company v. F.P.C., Docket No. 72-2168, issued February 14, 1974, order on rehearing issued August 14, 1974.

burn has had full opportunity to challenge the justness and reasonableness of the WS Tariff and the increased rates and charges thereunder, there is nothing to be served by providing a suspension and hearing in the present proceeding on the justness and reasonableness of the identical tariff. A recognition of Auburn's position would result in substituting many rate proceedings for one. If we permitted each customer whose contract had expired to challenge the newly effective rates it would result in a "plethora of individual filings".[13] Redundant filings on a common issue would be "wasteful not only of the time and resources of FPC members and staff, but also of the resources of the parties—costs that must in the last analysis be borne by the customer."[14]

The denial of Auburn's request for suspension and a hearing will not affect I&M's refund obligation toward Auburn if the WS Rate Schedule is found to be unjust and unreasonable.

WAIVER OF SECTION 35.13

I&M's request for waiver of Section 35.13 of the Commission's Regulations insofar as it would require the filing of a new cost-of-service study is reasonable. I&M's orginal filing of the new WS Rate Schedule in Docket No. E–7740 was accompanied by full cost-of-service data. Because I&M's present filing does not attempt to increase the rates and charges under the WS Rate Schedule but only to place Auburn under the schedule, a new cost-of-service study is not required.

I&M's original filing of the WS Rate Schedule and the accompanying cost-of-service study, which contemplated eventually serving Auburn, was not too premature to encompass customers under later expiring contracts. It is within our authority to refer to the data submitted in the proceeding in Docket No. E–7740 and make our determination thereunder.[15] Auburn is protected by the refund obligation imposed upon I&M by the Court of Appeals for the District of Columbia Circuit in reinstating the suspension and refund of I&M's WS Tariff filing.[16] Because that refund obligation extends to all customers served under the WS Rate Schedule it would apply to rates charged Auburn under a new service agreement.

THE EFFECTIVE DATE OF I&M'S FILING

In our order of October 18, 1974, we permitted I&M's filing, for purposes of conditionally accepting it, to become effective October 21, 1974. Our decision was premised on the language in the contract providing that "the Company is to furnish and the customer is to take electric energy under the terms of this Agreement for a period of ten (10) years from the time such service is commenced * * *" (emphasis supplied). Since I&M's billing records indicate I&M commenced service to Auburn on October 21, 1964, we found in our order of October 18, 1974 and our order denying a petition for rehearing of December 13, 1974, that the ten year contract term began on that date. We therefore conclude that the appropriate effective date for I&M's tendered filing was October 21, 1974.

For the reasons stated above, we find no merit in the arguments advanced by Auburn and we will therefore accept I&M's August 21, 1974 filing to be effective October 21, 1974. We will further consolidate the present proceeding with the proceeding in Docket No. E–7740 for purposes of our final disposition on the justness and reasonableness of the WS Rate Schedule.

THE COMMISSION FINDS:

(1) It is necessary and appropriate in the public interest, and to aid in the enforcement of the provisions of the Federal Power Act that the Commission accept for filing I&M's August 21, 1974 tendered unsigned service agreement to be effective October 21, 1974.

(2) Good cause exists to grant I&M's request for waiver from filing a new cost-of-service study under § 35.13 of our Regulations.

(3) Good cause does not exist to grant Auburn's request for rejection of I&M's filing, or to grant its alternative request for suspension of a hearing concerning I&M's filing.

(4) Good cause exists to consolidate the present proceeding with the pending proceeding in Docket No. E–7740 for the purpose of final disposition.

THE COMMISSION ORDERS:

(A) I&M's August 21, 1974, filing in Docket No. E–8987, submitting an unsigned service agreement with Auburn, is hereby accepted for filing, approved, and made effective as of October 21, 1974.

(B) I&M's request for waiver of the requirements of Section 35.13 insofar as that Section would require filing of a cost-of-service study is hereby granted.

(C) Auburn's request for rejection of or in the alternative, suspension of and a hearing concerning I&M's August 21, 1974 filing is hereby denied.

(D) The present proceeding in Docket No. E–8987 is hereby consolidated with the proceeding in Docket No. E–7740 for the purpose of final disposition.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–2141 Filed 1–22–75;8:45 am]

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[13] Municipal Electric Utility Association of Alabama v. F.P.C., 485, F.2d 967, 973 (D.C. Cir. 1973).

[14] Id. at 973.

[15] Municipal Electric Utility Association of Alabama v. F.P.C., supra, note 14, at 974.

[16] Indiana & Michigan Electric Company v. F.P.C., supra note 12.

[Docket No. RP73–23 PGA 75–2B]

LAWRENCEBURG GAS TRANSMISSION CORP.

Notice of Filing of Substitute Gas Tariff Sheets

JANUARY 17, 1975.

Take notice that on January 14, 1975, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing two substitute gas tariff sheets to its FPC Gas Tariff, Original Volume No. 1 designated as Second Substitute Eighth Revised Sheet No. 3–A (superseding Seventh Revised Sheet No. 3–A) and Second Substitute Eighth Revised Sheet No. 18–B, superseding Seventh Revised Sheet No. 18–B).

The proposed changes contained therein would increase revenues from jurisdictional sales by $236,208 as compared to revenues at the current rates in effect since August 1, 1974, based on the 12 months ending November 30, 1974.

Lawrenceburg states that, pursuant to the purchased gas adjustment (PGA) provision in its FPC Gas Tariff, Original Volume No. 1, it filed by letters dated December 19, 1974 and December 30, 1974, Eighth Revised Sheets Nos. 3–A and 18–B, and Substitute Eighth Revised Sheets Nos. 3–A and 18–B, respectively, in order to track proposed changes in its cost of gas purchased from Texas Gas Transmission Corporation (Texas Gas), both of which were to become effective February 1, 1975. By letter dated December 23, 1974, Texas Gas again filed revised gas tariff sheets effective February 1, 1975, pursuant to Commission Order issued December 20, 1974 approving the Stipulation and Agreement in Texas Gas' Docket No. RP74–25, said revision causing Lawrenceburg to again file revised tariff sheets as noticed herein in order that its February 1, 1975 PGA might reflect the latest Texas Gas tariff rates on file with the Commission.

Lawrenceburg requests waiver of the Commission's regulations to permit its substitute tariff sheets to become effective February 1, 1975; and Lawrenceburg states that copies of its filing have been mailed to its two wholesale customers, Lawrenceburg Gas Company and The Cincinnati Gas & Electric Company, and also to the two interested state commissions, Public Service Commission of Indiana and The Public Utilities Commission of Ohio.

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 January 31, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–2142 Filed 1–22–75;8:45 am]

[Docket No. RP74-96]

NATURAL GAS PIPE LINE CO. OF AMERICA

Notice of Further Extension of Procedural Dates

JANUARY 16, 1975.

On January 10, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 28, 1974, as most recently modified by notice issued November 7, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, February 28, 1975.
Service of Intervenor's Testimony, March 28, 1975.
Service of Company Rebuttal, April 11, 1975.
Hearing, April 29, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2143 Filed 1-22-75;8:45 am]

[Docket No. RP71-107 (Phase II) PGA75-2]

NORTHERN NATURAL GAS CO.

Notice of Purchased Gas Cost Adjustment Rate Change

JANUARY 16, 1975.

Take notice that on January 9, 1975, Northern Natural Gas Company (Northern) tendered for filing, as a part of Northern's FPC Gas Tariff to become effective January 9, 1975, Seventh Revised Sheet No. 4a to Third Revised Volume No. 1 and Third Revised Sheet No. 502 and Sixth Revised Sheet No. 1c to Original Volume No. 2.

This rate increase is being filed pursuant to § 154.38(d)(4) of the Regulations under the Natural Gas Act and Ordering paragraph (D) of Opinion No. 699-H issued December 4, 1974, to track the increased rates occasioned by the revised Opinion No. 699-H national rate pursuant to filings made by natural gas producers on or before January 31, 1975 pursuant to § 2.5a(j).

Seventh Revised Sheet No. 4a, Third Revised Sheet No. 502 and Sixth Revised Sheet No. 1c provide for an increase of one and ninety-six hundredths cents (1.96¢) per Mcf in the Commodity portion of Northern's jurisdictional rates. This amount will result in an increase in annual jurisdictional gas sales revenues of approximately $11,657,000 for Volume No. 1 sales and $508,000 for Volume No. 2 sales.

Northern also tendered for filing, to become effective as of the states dates, the following alternative tariff sheets:

December 27, 1974:

Third Substitute Fifth Revised Sheet No. 4a to Third Revised Volume No. 1.
Second Substitute First Revised Sheet No. 502 and Second Substitute Fourth Revised Sheet No. 1c to Original Volume No. 2.

December 28, 1974:

First Substitute Sixth Revised Sheet No. 4a to Third Revised Volume No. 1.
First Substitute Second Revised Sheet No. 502 and First Substitute Fifth Revised Sheet No. 1c to Original Volume No. 2.

According to Northern, these tariff sheets are part of an alternative proposal to effectuate a portion of the PGA increase at this time and to defer the remainder for inclusion in its next PGA filing in order to accommodate to the needs of its customer utilities. Northern stated that the Commission has recently rejected 1.62¢ [1] of a total 6.34¢ per Mcf rate increase filed by Northern on October 25, 1974 to become effective some sixty days later on December 27, 1974. This rate increase filing was the annual rate adjustment provided by Northern's approved PGA and R&D cost adjustment clauses. The Commission did approve 4.72¢ per Mcf of the total increase [2] and, pursuant thereto, Northern has tendered for filing substitute tariff sheets, concurrently herewith, to be effective as of December 27 and 28, 1974.[3] Northern proposes, in this alternative, to: (a) effectuate, for the present, only 1.62¢ of the 1.96¢ per Mcf increase occasioned by the Opinion No. 699-H national rate, (b) defer .34¢ per Mcf of the 1.96¢ increase for inclusion in the next PGA rate filing and (c) withdraw Seventh Revised Sheet No. 4a to Third Revised Volume No. 1 and Third Revised Sheet No. 502 and Sixth Revised Sheet No. 1c to Original Volume No. 2, if the Commission grants Northern the authority to:

(1) effectuate 1.62¢ of the 1.96¢ increase as of December 27, 1974 in substitution for the recently rejected 1.62¢ increase,

(2) defer interest expense at the rate of nine percent (9%) annually on the deferred increase in cost of purchased gas represented by the .34¢ per Mcf deferred rate increase,

(3) include in Northern's next PGA filing the deferred interest expense in (2) above, and

(4) effectuate, as of the stated dates, the above alternative tariff sheets.

Northern states its alternative proposal would: (1) avoid an additional rate adjustment occasioned by Opinion No. 699-H, (2) allow Northern's customer utilities to coordinate their required pass-along rate increases with those of Northern and (3) enable Northern to recover interest costs related to deferred costs of purchased gas.

The Company states that copies of the filing have been mailed to each of the Gas Utility 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 January 31, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2135 Filed 1-22-75;8:45 am]

[1] Paragraph (B) of Order issued December 26, 1974, in Docket Nos. RP71-107 (Phase II), PGA 75-1, RP72-127, RP74-9 and R&D 75-1. (1.56¢ reflected estimate PGA costs related to the proposed new flowing gas rates in Docket No. R-478 and .06 reflected costs associated with the Dallas Center Project, as proposed in Docket No. RP74-9)

[2] Paragraph (A) of Order issued December 26, 1974, in Docket Nos. RP71-107 (Phase II), PGA 75-1, RP72-127, RP74-9 and R&D 75-1.

[3] Second Substitute Fifth Revised Sheet No. 4a to Third Revised Volume No. 1 and First Substitute First Revised Sheet No. 502 and First Substitute Fourth Revised Sheet No. 1c to Original Volume No. 2 are to be effective December 27, 1974. Sixth Revised Sheet No. 4a to Third Revised Volume No. 1 and Second Revised Sheet No. 502 and Fifth Revised Sheet No. 1c to Original Volume No. 2 are to be effective December 28, 1974.

[Docket No. RM 74-3]

POLICY WITH RESPECT TO ESTABLISHMENT OF MEASURES TO BE TAKEN FOR THE PROTECTION OF RELIABLE AND ADEQUATE SERVICE FOR 1975

Order Directing Solicitor To Seek an Expedited Decision in the Appeal of Orders No. 491, et seq.

JANUARY 16, 1975.

In response to the severe supply shortage threatening gas consumers during the 1973-74 winter season, the Commission, on September 14, 1973, promulgated Order No. 491 [1] which extended from 60 to 180 days the term under which a pipeline experiencing a supply shortage on its system could make emergency purchases of natural gas without Commission certification.[2]

Such action was taken by the Commission pursuant to section 7(c) of the Natural Gas Act, 15 U.S.C. § 717f(c) which provides in pertinent part that the Commission:

* * * may by regulation exempt from the requirements of this section temporary acts or operations from which the issuance of a certificate will not be required in the public interest.

Pursuant to this statutory authority, the Commission had previously adopted regulations allowing pipelines to make emergency purchases of gas for a period of up to 60 days without obtaining a certificate for the purchases.[3]

Responding to requests for rehearing and reconsideration, the Commission, on September 25, 1973, issued Order No.

[1] Order No. 491, *et seq.* amended sections 2.68 and 2.70 of our General Policy and Interpretations and §§ 157.22 and 157.27 of our regulations under the Natural Gas Act.

[2] Such action was taken to encourage temporary sales by producers to interstate pipelines, thereby increasing the total gas available to the vital interstate market during the time of acute shortage.

[3] FPC Order No. 418, 44 F.P.C. 1574 (1970).

491–A. The Commission there reaffirmed and further documented its judgment regarding the acute gas shortage and the resulting economic injury and stated it was necessary to extend the emergency purchase period from 60 days to 180 days in order to make the interstate market more attractive to sellers of gas and thereby to make interstate sales more attractive. In Order No. 491–A we further stated that the rate at which emergency volumes were committed to interstate pipelines would be subject to regulatory review subject to sections 4 and 5 of the Natural Gas Act. Finally, the order provided that interested persons could promptly file written comments concerning these emergency measures, and the Commission would issue a further order in light of those comments.

On October 3, 1973, the United States Court of Appeals for the District of Columbia Circuit stayed Order No. 491 pending final action by the Commission after receipt of the public comments invited by Order No. 491–A.[4]

On November 2,1973, we issued Order No. 491–B, reaffirming the extension of the emergency purchase period to 180 days. In such order we observed that in our judgment "an enlargement of the exemption period from 60 days to 180 days will elicit new gas supplies that would not otherwise be available to interstate consumers for the 1973–74 winter heating season." We, therefore, concluded that the public interest required the implementation of the exempted procedures of section 7(c) of the Natural Gas Act.

Consumers Federation of America sought rehearing of this order and a stay of its effectiveness pending judicial review. On November 21, 1973, we issued Order No. 491–C, denying the requested rehearing and stay. Consumers Federation of America also sought a stay of Order No. 491–B from the U.S. Court of Appeals for the District of Columbia Circuit which was granted December 10, 1973. On December 20, 1973, the Supreme Court of the United States vacated this stay.[5]

Following briefing on the merits of Order Nos. 491, et seq., the United States Court of Appeals for the District of Columbia Circuit heard oral arguments on November 26, 1974. As of this date no decision by such court has been reached regarding the legality of the orders in question.

The Commission is currently faced with a drastic increase in curtailments. A report issued by our Bureau of Natural Gas on November 15, 1974,[6] projects that natural gas supply deficiencies for major interstate natural gas pipeline companies will be 107 percent greater this winter than they were last winter. Regarding firm curtailments, the anticipated supply deficiencies for September 1974 through August 1975, exceed the actual curtailments for the preceding year by 996,234,000 Mcf or 73.15% with 19 pipelines reporting actual firm curtailments.[7] Regarding curtailment of interruptible sales, the anticipated supply deficiencies for September 1974 through August 1975 will result in anticipted curtailment of over 58% of interruptible loads during that time period. Thus, it is readily apparent that the gas supply deficiency has grown in magnitude and now threatens immediate harm to the entire consuming public. These supply deficiencies with the resulting curtailments presently threaten many segments of our economy. Judging by the numerous requests we constantly receive requesting extraordinary relief from curtailment on numerous pipeline systems, curtailments of gas are forcing industrial plant closings and layoffs, reduced production, denial of utility service to new customers, and utilization by industry and electric utilities of alternate fuels which impact upon ambient air quality standards.[8] Petitions for extraordinary relief have been filed to forestall layoffs, plant shutdowns, and production cutbacks involving such products as steel (see *e.g.* Initial Decision On Petition For Extraordinary Relief, Texas Eastern Transmission Corporation (Penn Fuel Gas, Inc.), Docket No. RP74–39–13, issued January 3, 1975); anhydrous ammonia used in the production of fertilizer (see *e.g.* Order Denying Interim Relief, Setting Hearing Procedures, And Granting Interventions. Northwest Pipeline Corporation (Reinchhold Chemicals, Inc.), Docket No. RP75–31–1, issued December 23, 1974, Initial Decision On Petition For Extraordinary Relief, United Gas Pipeline Company, Docket No RP74–37–11, issued December 27, 1974); and Order Granting Intervention, Denying Motion For Stay, Granting Application For Rehearing, And Reopening The Record, Texas Eastern Transmission Corporation (North Alabama Gas District), Docket No. RP74–39–9, issued December 20, 1974); glass (see *e.g.* Notice Of Petition For Extraordinary Relief, Transcontinental Gas Pipe Line Corporation (City of Laurens, South Carolina), Docket No. RP75–16–7, issued January 8, 1975); electrical components and electronic equipment (see *e.g.* Order Granting Extraordinary Relief And Setting Matter For Formal Hearing, Alabama-Tennessee Natural Gas Company, Docket No. RP75–44–1, issued December 26, 1974); aluminum (see *e.g.* Notice of Petition For Extraordinary Relief, Tennessee Gas Pipeline Company (Humphreys County Utility District), Docket No. RP74–91–16, issued January 8, 1975); and other products which are essential to the nation's economy. As can be seen, the total effect of the supply deficiency may seriously jeopardize our entire economy with catastrophic results.[9]

As a result the Commission would like to give serious consideration to reinstatement of emergency sales for a period of up to 180 days. Our reason for this consideration is the fact that our Order Nos. 491, et seq. were very successful in bringing supplies of natural gas to the interstate market that would otherwise not have been available during the 1973–1974 winter heating season. Under these orders there were over 500 sales made and over 172,000,000 Mcf committed to the interstate market between September 1973 and September 1974.[10] In the period between September 1972 and September 1973 the 60 day emergency sales only accounted for 89,000,000 Mcf of gas. Thus, the extension from 60 to 180 days for emergency sales accounted for over 80,000,000 Mcf of additional sales. Such additional volumes this winter would be of tremendous aid in eliminating at least a portion of the existing supply deficiencies and the resulting economic problems related to such deficiency.

Nevertheless, we believe that in view of the uncertainty over the legality of our past procedures which has been generated by the appeal of Order Nos. 491, et seq., an extension from 60 to 180 days for emergency sales at this juncture would be of questionable value in the elicitation of these needed additional supplies of gas.

We, therefore, shall request the Solicitor of the Commission to file a motion in the above-docketed proceeding requesting an expedited decision in this case.

The Commission finds:

Good cause exists to request the Solicitor to file a motion for an expedited deci-

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[4] *Consumer Federation of America, et al.* v. *F.P.C.*, No. 73–2009.

[5] *F.P.C.* v. *Consumer Federation of America, et al.*, No. A–608, December 20, 1973.

[6] See FPC Release No. 20849. This report was prepared on the basis of responses filed by 44 pipelines pursuant to Form No. 16, Report of Gas Supply Requirements. This report provides requirements and curtailment data for the period September 1973 through August 1974 and supply deficiency data for the period September 1974 through August 1975.

[7] The actual net firm curtailments for the 12 months period ending August 31, 1974, totalled 1,361,871,000 Mcf and the projected net firm curtailments from September 1974 through August 1975 total 2,358,105,000 Mcf.

[8] *See generally* Order Consolidating Proceedings, Modifying Previously Issued Orders, Granting Rehearing, Setting Hearings On Request For Interim Extraordinary Relief And For Permanent Extraordinary Relief, And Prescribing Procedures, *Transcontinental Gas Pipe Line Corporation* (Eastern Shore Natural Gas Company and Stauffer Chemical Company, Docket Nos. RP75–16–1 and RP75–17–1; Penn Fuel Gas, Inc. and New Jersey Zinc Company, Docket No. RP75–16–4; City of Linden, Alabama, Marengo Corporation, and Gulf States Paper Corporation, Docket No. RP75–16–5; City of Danville, Virginia, Docket No. RP75–16–6; The Commission of Public Works of the City of Laurens, South Carolina, Docket No. RP75–16–7; North Carolina Natural Gas Company and Farmers Chemical Association, Inc., Docket No. RP75–16–8), issued January 9, 1975; Order Granting Intervention, Denying Extraordinary Relief Pendente Lite, Providing For Hearing And Establishing Procedures, *Transcontinental Gas Pipe Line Corporation* (South Jersey Gas Company), Docket No. RP75–16–3, issued December 23, 1974.

[9] This is especially true when considering that natural gas now represents almost one third of the total energy consumed by the nation with one half of the gas being used for residential and commercial purposes, one-sixth for the generation of electricity, and one-third for industrial uses. See Project Independence Report, Federal Energy Administration, November 1974.

[10] This includes approximately 25,000,000 Mcf of sales made by intrastate pipelines to interstate pipelines.

sion in Consumer Federation of America, et al. v. F.P.C., D.C. Cir. No. 73-2009

The Commission orders:

The Solicitor shall file a motion for an expedited decision in Consumer Federation of America, et al. v. F.P.C., D.C. Cir. No. 73-2009.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2145 Filed 1-22-75;8:45 am]

[Docket No. E-9209]

WESTERN MASSACHUSETTS ELECTRIC CO.

Notice of Rate Schedule Amendment

JANUARY 17, 1975.

Take notice that Western Massachusetts Electric Company (WMECO) on January 6, 1975, tendered for filing a proposed amendment to its rate schedule designated FPC Electric Tariff Volume No. 1. The proposed amendment is intended to recognize that, effective December 1, 1974, the City of Westfield, Massachusetts Gas and Electric Department, a wholesale customer of WMECO, became entitled to purchase a portion of its electric requirements out of Boston Edison Company's nuclear generating unit, known as Pilgrim No. 1. In order that WMECO's rate schedule properly recognizes that Westfield's purchase out of Pilgrim No. 1 commenced on December 1, 1974, WMECO has requested waiver of the Commission's customary notice period to permit the amendment to take effect as of December 21, 1974, the date on which WMECO's Electric Tariff became effective, subject to refund.

Copies of the filing were served upon the City of Westfield, Massachusetts Gas and Electric Department.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2144 Filed 1-22-75;8:45 am]

FEDERAL RESERVE SYSTEM

CAPITAL CITY BANCSHARES, INC.

Formation of Bank Holding Company

Capital City Bancshares, Inc., Prairie Village, Kansas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 93.4 percent or more of the voting shares of Capital City State Bank & Trust Company, Topeka, Kansas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than February 13, 1975.

Board of Governors of the Federal Reserve System, January 14, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-2100 Filed 1-22-75;8:45 am]

DARIEN BANCORPORATION, INC.

Formation of Bank Holding Company

Darien Bancorporation, Inc., Darien, Wisconsin, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 93.67 percent of the voting shares of The Farmers State Bank, Darien, Wisconsin. The factors that are considered in acting on the application are set forth in § 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 Chicago. 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 February 14, 1975.

Board of Governors of the Federal Reserve System, January 15, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-2101 Filed 1-22-75;8:45 am]

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 80 percent or more of the voting shares of Peoples Bank of Broward County, Fort Lauderdale, Florida. 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 February 7, 1975.

Board of Governors of the Federal Reserve System, January 17, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-2064 Filed 1-22-75;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Order Amending Requirement for Divestiture of Interest in Permian Bank & Trust

By Order dated Novemebr 28, 1972 (37 FEDERAL REGISTER 25884), the Board approved an application of Texas Commerce Bancshares, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, to acquire all of the voting shares of American Bank of Commerce, Odessa, Texas. The Board Order required divestiture of Applicant's interest in Permian Bank & Trust, Odessa, Texas, within two years from the effective date of the acquisition of shares of American Bank of Commerce. The acquisition of American Bank by Applicant was consummated on January 8, 1973.

By letter dated December 30, 1974, Applicant requested that the Board grant an extension of time during which shares held in Permian Bank & Trust may be divested. Applicant has indicated that active efforts to sell the shares are continuing.

On the basis of the information presented, the Board has concluded that the request should be granted. Accordingly, the Board's Order of November 28, 1972, is hereby amended to authorize retention of the shares held in Permian Bank & Trust subject to the condition that Applicant divest such shares at the earliest possible date but in no event later than April 8, 1975.

By order of the Board of Governors,[1] effective January 13, 1975.

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

[FR Doc.75-2102 Filed 1-22-75;8:45 am]

GOVERNMENT PRINTING OFFICE

DEPOSITORY LIBRARY COUNCIL TO THE PUBLIC PRINTER

Cancellation of Meeting

The Depository Library Council to the Public Printer meeting scheduled for January 25, 1975, and announced on Page 1135 of the FEDERAL REGISTER for January 6, 1975, is cancelled due to lack of quorum.

The meeting has been rescheduled for April 14 and 15, 1975.

Dated: January 13, 1975.

T. F. MCCORMICK,
Public Printer.

[FR Doc.75-2104 Filed 1-22-75;8:45 am]

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[1] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, and Coldwell. Absent and not voting: Chairman Burns and Governors Sheehan and Wallich.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-2)]

AEROSPACE SAFETY ADVISORY PANEL

Meeting

Meeting of Aerospace Safety Advisory Panel, February 5, 1975, NASA Headquarters, Room 7002, capacity—60, 400 Maryland Avenue, SW, Washington, D.C.

The Panel is to review safety studies and operations plans referred to it and shall make reports thereon, shall advise the Administrator with respect to the hazards of proposed or existing facilities and proposed operations and with respect to the adequacy of proposed or existing safety standards, and shall perform such other duties as the Administrator may request.

Pursuant to carrying out its statutory duties, the Panel will review, evaluate and advise on those program management policies, management systems, procedures and practices that contribute to risk identification and assessment by management. Priority shall be given to those programs that involve the safety of manned flight.

The chairman of the Panel is Mr. Howard K. Nason. The other members are: Hon. Frank C. Di Luzio, Mr. Herbert E. Grier, Lt. Gen. Warren D. Johnson, USAF, Dr. Henry Reining, Jr., Dr. Ian M. Ross, Mr. Lee R. Scherer, and Dr. Charles D. Harrington.

The contact for further information is Carl R. Praktish, Executive Secretary, Aerospace Safety Advisory Panel, 400 Maryland Avenue, SW., Washington, D.C. 20546 (Phone: Area Code 202, 755-8436).

The Panel will convene at 2:30 p.m. to discuss with the Deputy Administrator a summary of its fact-finding activities to date and the resultant conclusions and recommndations on the ASTP program. At that time, the Panel will present its written report to the Administrator for further detailed consideration. The meeting will continue as long as necessary to accomplish its purpose.

This announcement is late because of the unanticipated delays in the data collection and the need to submit the report as early as possible.

Dated: January 21, 1975.

BOYD C. MYERS II,
Assistant Associate Administrator for Organization and Management.

[FR Doc.75-2203 Filed 1-22-75;8:45 am]

[Notice (75-1)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL

Panel on Aeronautical Operating Systems, Ad Hoc Panel on Terminal Configured Vehicles

The NASA Research and Technology Advisory Council, Panel on Aeronautical Operating Systems, Ad Hoc Panel on Terminal Configured Vehicles will meet on February 11-12, 1975, at the NASA Langley Research Center, Hampton, Virginia 23665. The meeting will be held in Room 247 of Building 1202, Visitor Center. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 50 persons. All visitors must report to the Receptionist in Building 1202.

The NASA Research and Technology Advisory Council Ad Hoc Panel on Terminal Configured Vehicles serves in an advisory capacity only. The current Chairman is Mr. Ralph L. Erwin, Jr., and there are 10 members. The following list sets forth the approved agenda and schedule for the February 11-12, 1975, meeting of the Ad Hoc Panel on Terminal Configured Vehicles.

For further information, please contact Mr. Kenneth E. Hodge, Area Code 202, 755-2375.

FEBRUARY 11, 1975

Time	*Topic*
8:30 a.m.	Reports of Chairman and Executive Secretary (Purpose: To summarize action taken at the October 1974 meeting of the Research and Technology Advisory Council Panel on Aeronautical Operating Systems and at the November 1974 meeting of the Research and Technology Advisory Council.)
9:30 a.m.	NASA's Long-Range Aeronautical Planning Activities (Purpose: To brief the Panel on NASA's "Outlook for Aeronautics" study and to obtain comments on participation by members in this study.)
10:30 a.m.	Progress Report on Implementation of Recommendations Made at Last Meeting (Purpose: To brief the Panel on NASA's progress in implementing previous recommendations and to afford an opportunity to discuss these actions.)
11 a.m.	Project "Speckled Trout" (Purpose: To inform the Panel of the nature and scope of the Air Force's research program designed to advance the technology for low-visibility terminal-area operations of military aircraft.)
1:30 p.m.	NASA Short-Takeoff-and-Landing (STOL) Aircraft Operating Systems Experiments (Purpose: To provide elaboration on a related NASA program which was discussed briefly at a previous meeting and to discuss coordination efforts.)
2:30 p.m.	Members' Reports (Purpose: To provide an opportunity for Panel members to report on items which are of interest to NASA and relate to the responsibilities of this Panel.)
3 p.m.	MITRE Corporation Report (Purpose: To report what medium-term and long-term improvements can be expected from the Federal Aviation Administration's research, engineering, and development programs to produce the needed air traffic control capacity and productivity at major terminals.)
4 p.m.	Terminal-Area Research and Development (Purpose: To report on terminal-area research and development activities at the Massachusetts Institute of Technology.)

FEBRUARY 12, 1975

8 a.m.	Report on Flight Experiments to Date (Purpose: To report results and to obtain Panel comments on the flight experiments which have been conducted since the last Panel meeting.)
9 a.m.	Landing Display Research and Simulation Results (Purpose: To describe landing display simulation experiments, report results, and obtain Panel comments on this effort.)
10:30 a.m.	Near-Term Program Objectives (Purpose: To obtain Panel comments on the content and priorities of simulation and flight experiments planned for the near future.)
11:30 a.m.	Formulation of Panel Recommendations (Purpose: To document recommendations and observations to be reported to the Research and Technology Advisory Council and NASA officials.)
1:30 p.m.	General Discussions (Purpose: To afford the Panel and other attendees an opportunity to discuss matters relating to the Panel's responsibilities.)
2:30 p.m.	Inspection of the NASA B-737 Aircraft and Simulation Facilities.
4:30 p.m.	Adjournment.

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management.

JANUARY 16, 1975.

[FR Doc.75-2074 Filed 1-22-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

NOTICE OF MEETING

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will

be held on February 14, 1975 from 9 a.m.–5 p.m. and February 15, 1975 from 9 a.m.–4 p.m. The meeting will be held at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The meeting will include Subcommittee hearings and a reviewing of the Council's 1975 Annual Report draft.

Because of limited space, all persons wishing to attend should call for reservations by February 7, 1975, Area Code 202/382–6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C.

Signed at Washington, D.C. on January 17, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc. 75–2125. Filed 1–22–75; 8:45 am]

U.S. NUCLEAR REGULATORY COMMISSION

[Docket No. P–527–A]

LOUISIANA POWER AND LIGHT CO.

Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

The Louisiana Power and Light Company, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 20, 1974, in connection with their plans to construct and operate two generating units utilizing two high temperature gas-cooled reactors. Each reactor will be designed for initial operation at approximately 3000 megawatts (thermal), with a net electrical output of approximately 1160 megawatts. The facility, designated as the St. Rosalie Generating Station, Units 1 and 2, will be located on the west bank of the Mississippi River at Alliance in Plaquemines Parish, Louisiana. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to § 2.101 of Part 2, is expected to be filed in April 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Docket No. P–527–A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 17, 1975.

Dated at Bethesda, Maryland, this 10th day of January 1975.

For the Atomic Energy Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors Branch, Directorate of Licensing.

[FR Doc.75–1301 Filed 1–15–75;8:45 am]

[Docket No. P–556–A]

OMAHA PUBLIC POWER DISTRICT

Partial Application for Construction Permit and Facility License: Time for Submission of Views on Antitrust Matters

Omaha Public Power District (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated November 15, 1974, in connection with their plans to construct and operate a pressurized water nuclear reactor to be located at a site near Blair, Nebraska, in Washington County. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report pursuant to § 2.101 of Part 2, is expected to be filed during July 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., 20545, Docket No. P–556–A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing on or before March 17, 1975.

Dated at Bethesda, Maryland, this 9th day of January 1975.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Project Branch 1–2, Directorate of Licensing.

[FR Doc.75–1302 Filed 1–15–75;8:45 am]

[Docket No. P–537–A]

TENNESSEE VALLEY AUTHORITY

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Tennessee Valley Authority (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 20, 1974, in connection with its plans to construct and operate two nuclear reactors at a site to be selected in the near future. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to § 2.101 of Part 2, is expected to be filed during October 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., 20545. Docket No. P–537–A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 24, 1975.

Dated at Bethesda, Maryland, this 13th day of January, 1975.

For The Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1–2, Directorate of Licensing.

[FR Doc.75–1823 Filed 1–22–75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic

Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on February 6–8, 1975, in Room 1046, 1717 H Street NW., Washington, D.C.

[NOTE: Pursuant to the Energy Reorganization Act of 1974 (Pub. L. 93–438) and Executive Order 11834, dated January 15, 1975, the Atomic Energy Commission is abolished, effective January 19, 1975, and the Advisory Committee on Reactor Safeguards is transferred to the Nuclear Regulatory Commission (NRC).].

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

Thursday, February 6, 1975, 3:30 p.m.–7:00 p.m.: Atlantic Nuclear Generating Station and Floating Nuclear Plant Units 1–8—The Committee will hear presentation by and hold discussions with representatives of the Nuclear Regulatory Commission, and the applicants (Public Service Electric and Gas Company of New Jersey and Offshore Power Systems) pertinent to the issuance of a Construction Permit for the Atlantic Generating Station and a Manufacturing Permit for the Floating Nuclear Plant Units 1–8. Portions of this session will be closed if required to discuss proprietary information related to the design, construction and/or operation of these plants. Closed sessions will also be held if necessary to discuss security arrangements for these facilities and for Committee deliberative sessions.

Friday, February 7, 1975, 9:30 a.m.–1:00 p.m.: Salem Nuclear Generating Station—The Committee will hear presentations by and hold discussions with representatives of the Public Service Gas & Electric Company related to the request for an Operating License for this station.

Portions of this session will be closed if required to discuss proprietary information related to the design, construction and/or operation of this station and to discuss security arrangements for this plant. Closed portions will also be held for Committee deliberative sessions.

2:00 p.m.–3:00 p.m.: Meeting with NRC Staff—The Committee will meet with representatives of the NRC Staff to discuss recent reactor operating experience, recent licensing actions and operator retraining programs.

3:30 p.m.–7:00 p.m.: Bryan/Braidwood Stations—The Committee will hear presentations by and hold discussions with representatives of the Commonwealth Edison Company and the Nuclear Regulatory Commission Staff pertinent to the request for construction permits for these stations.

Portions of this session will be closed if required to discuss proprietary information related to the design, construction, and/or operation of these stations, and the security arrangements for these plants.

Closed sessions will also be held for Committee deliberative sessions.

It should be noted that, in addition to the closed portions of the agenda items noted above, the Committee will hold other sessions not open to the public under the authority of section 10(d) of Pub. L. 92–463 (the Federal Advisory Committee Act), to consider the above applications and other matters. I have determined in accordance with subsection 10 (d) of Pub. L. 92–463 that it is necessary to close such portions of the meeting to protect proprietary data (5 U.S.C. 552 (b)(4)), and to protect the free interchange of internal views to avoid undue interference with agency or Committee operation (5 U.S.C. 552(b)(5)). Any nonexempt material that may be discussed during the closed portions of the meeting will be inextricably intertwined with discussion of exempt material and no further separation is practical. Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than January 29, 1975, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Such written comments shall be based on documents related to the agenda items noted above, and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and as follows:

Salem Station
Miss Elizabeth Fogg, Librarian
Salem Free Public Library
112 West Broadway
Salem, New Jersey 08079

Atlantic Generating Station/Floating Nuclear Plant
Stockton State College Library
Pomona, New Jersey

Jacksonville Public Library
122 North Ocean Street
Jacksonville, Florida 32204

Business and Science Division
New Orleans Public Library
219 Loyola Avenue
New Orleans, Louisiana 70140

(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 Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting or portions of the meeting have 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 February 5, 1975, to the Office of the Executive Secretary of the Committee (Telephone: 202–634–1371) between 8:30 a.m. and 5:15 p.m., Eastern Time. It should be noted that the schedule noted above is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items during the same day to accommodate required changes. The ACRS Executive Secretary will be prepared to describe these changes on February 5, 1975.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course 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.

(g) Persons desiring to attend portions of the meeting where proprietry information is being discussed may do so by providing to the Executive Secretary 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information providing for access to this information.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. on or after May 10, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. HOYLE,
Acting Secretary of the Commission.

[FR Doc.75-2316 Filed 1-22-75;12:18 pm]

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 January 20, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru 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

ENVIRONMENTAL PROTECTION AGENCY

Agricultural Standards Research Project AATE Questionnaire, single-time, selected farmers, Lowry, R. L., 395–3772.

VETERANS ADMINISTRATION

Interview Schedule for Mothers of Siblings, 10–340(674), single-time, families having sickle and normal hemoglobin, Hall, George, 395–4697.

UNITED STATES TARIFF COMMISSION

Trade Agreement Digest Questionnaire for U.S. Producers of Chemicals and Chemical Products, single-time, principal producers of products covered, Lowry, R. L., 395–3772.

DEPARTMENT OF COMMERCE

Bureau of the Census: Food Stamp Recipiency Supplement April 1975 CPS. CPS–1, single-time, households, Strasser, A., 395–3880.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Instructions for the A–102 application: Ethnic Heritage Studies Program, OE–349, single-time, institutions of higher education, Lowry, R. L., 395–3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management: Modernization Program Reporting Requirements, 52994, single-time, local housing authorities, Community and Veterans Affairs Division, 395–3532.

REVISIONS

UNITED STATES TARIFF COMMISSION

Synthetic Organic Chemicals — Monthly Report on Production, CD–M1, monthly, original manufacturers of synthetic organic chemicals, Lowry, R. L., 395–3772.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service, State Agency Program Expenditure Projection Report, SRS–OA–25, quarterly, Sunderhauf, M. B., 395–4911.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management: Desert Land Entry Assignment Claim, 2520–2, on occasion, individuals, Evinger, S. K., 395–3648.

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife: Bird Band Recovery Report, 3–1807, on occasion, State and Federal conservation agencies, Evinger, S. K., 395–3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–2235 Filed 1–22–75;8:45 am]

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 January 17, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru 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

UNITED STATES TARIFF COMMISSION

Questionnaire on Shipments by Producers of Door Skins, single-time, business firms, Evinger, S. K., 395–3648.

VETERANS ADMINISTRATION

Application for VGLI (Veterans Separated Before August 1, 1974), 29–8715–1, on occasion, veterans, Caywood, D.P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary: Questionnaires for Advisory Council Members, Chairpersons, and Agency/Project Directors—Aging, CS–2–74, single-time, members of the Advisory Councils for the Elderly, Human Resources Division, 395–3532.

DEPARTMENT OF JUSTICE

Departmental and Other:
Questionnaire for Directory of Automated Criminal Justice Information System, 6600, single-time, State and local agencies, Hall, George, 395–4697.
Survey of Crime Victims and Offenders, MA–1, MA–2, single-time, arrestees and random household respondents, Hall, George, 395–4697.

DEPARTMENT OF THE INTERIOR

National Park Service: Petersburg National Battlefield Visitor Survey, single-time, park visitors, Planchon, P., 395–3898.

Mining Enforcement and Safety Administration: Survey of Uranium Miners in the United States, annually, uranium mine operators, Ellett, C.A., 395–6172.

DEPARTMENT OF THE TREASURY

Bureau of Customs: Report of Diversion, 26, on occasion, vessel owner, master, or agent, Lowry, R.L., 395–3772.
Notice of Transfer of Articles to a Foreign-Trade Zone With Benefit of Drawback, 7513, on occasion, importers, Lowry, R.L., 395–3772.
Claim for and Award of Compensation for Original Information, 4623, on occasion, informant, Lowry, R.L., 395–3772.
Declaration for Free Entry of Articles for Colleges, Religious Institutions, etc., 3321, on occasion, educational, scientific and religious institutions, Lowry, R.L., 395–3772.
Declaration for Free Entry of Game Animals or Birds Killed by United States Residents, 3315, on occasion, U.S. residents game hunters, Lowry, R.L., 395–3772.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: Death Registration and Chronic Disease Project, HRANCH0107, single-time, individuals, Hall, George, 395–4697.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration:
Damage Survey Report, HUD 484, on occasion, Federal/State government inspectors, Community and Veterans Affairs Division, 395–3532.
Bridge Survey, HUD 498, on occasion, Federal and State government inspectors, Community and Veterans Affairs Division, 395–3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–2236 Filed 1–22–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

JANUARY 16, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 17, 1975 through January 26, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75–2078 Filed 1–22–75;8:45 am]

[File No. 500–1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

JANUARY 16, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from

January 17, 1975 through January 26, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-2079 Filed 1-22-75;8:45 am]

[811-1198]

PLICO FUND, INC.

Filing of Application; Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 16, 1975.

Notice is hereby given that Plico Fund, Inc., Provident Life Building, 316 North Fifth Street, Bismarck, North Dakota ("Applicant") registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, has filed an application on December 11, 1974, pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that pursuant to a Plan and Agreement of Reorganization adopted by shareholders on July 2, 1974, substantially all of the assets of the Fund were transferred on July 10, 1974, to Charter Fund, Inc. ("Charter") in exchange for shares of common stock of Charter. Applicant no longer has any assets, all of its former shareholders have become shareholders of Charter, and Articles of Dissolution of the Fund were filed with the Maryland Department of Assessments and Taxation on September 19, 1974.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 10, 1975, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, and the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 10, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-2083 Filed 1-22-75;8:45 am]

[811-1928]

RINFRET FUND, INC.

Proposal To Terminate Registration

JANUARY 16, 1975.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that The Rinfret Fund, Inc. c/o Phoenix Capital Fund, Inc., one American Row, Hartford, Connecticut, 06115 ("Fund"), registered under the Act as an open-end, diversified, management investment company has ceased to be an investment company as defined in the Act.

Information in the Commission's files indicates that Fund was organized as a Delaware corporation on August 1, 1969, and registered under the Act by filing a Form N-8A Notification of Registration on August 22, 1969. At a special meeting of Fund's shareholders held on December 19, 1973, and adjourned to January 11, 1974, a resolution was adopted which provided that Fund be merged with and into Phoenix Capital Fund, Inc. ("Phoenix") a Maryland corporation registered under the Act as an open-end investment company. The effective date of the merger was January 21, 1974, at which time Phoenix exchanged certain of its shares for all of the assets of Fund. Such shares were distributed to Fund's shareholders. Fund filed the Articles and Agreement of Merger with the Office of the Secretary of State of Delaware on January 21, 1974. Fund presently has no assets, no liabilities and no stockholders.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 10, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Fund at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY, E. HOLLIS,
Assistant Secretary.

[FR Doc.75-2082 Filed 1-22-75;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

JANUARY 16, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is

suspended, for the period from January 17, 1975 through January 26, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-2080 Filed 1-22-75;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

JANUARY 16, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 17, 1975 through January 26, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-2081 Filed 1-22-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Application No. 09/09-5182]

PACIFIC VENTURE CAPITAL, LTD.

Application for a License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Pacific Venture Capital, Ltd. (applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1974).

The officers and directors of the applicant are as follows:

Wilfred W. S. Young,
1650 Liliha Street,
Honolulu, Hawaii 96817, Chairman and Director.

Michael J. Coy,
741 Pahumele Place,
Kailua, Hawaii 96734, President.

Dexter J. Taniguchi,
94-1153 Hinaea Street,
Waipahu, Hawaii 96797, Vice President and Treasurer.

Arleen A. Tanita,
47-261E Hui Iwa Street,
Kaneohe, Hawaii 96744, Secretary.

James L. Swenson,
94-361 Noholoa Loop,
Wahiawa, Hawaii 96789, Director.

Kenneth N. Sumimoto,
1544 Ulupuni Street,
Kailua, Hawaii 96734, Director.

The applicant will maintain its principal place of business at 1427 Dillingham Boulevard, Suite 210, Honolulu, Hawaii 96817.

It will begin operations with $700,000 of paid-in capital and surplus consisting of $500,000 of Model Cities grant funds and $200,000 of private funds. All of the applicant's outstanding stock consisting of 700,000 shares of common stock will be owned by the Hawaii Economic Development Corporation (HEDCO). HEDCO is a nonprofit corporation funded by Model Cities funds.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Any persons may, on or before February 7, 1975, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Honolulu, Hawaii.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

Dated: January 15, 1975.

[FR Doc.75-2115 Filed 1-22-75;8:45 am]

U.S. INFORMATION AGENCY

U.S. ADVISORY COMMISSION ON INFORMATION

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting to be held on February 3, 1975. The session will commence at 9:15 a.m. in Room 660 at 1776 Pennsylvania Avenue, NW., Washington, D.C., and will be devoted to a presentation by USIA's Information Center Service of its major programs. A summary of the agenda follows:

1. Philosophy and purpose of the programs.
2. Exhibits.
3. Book publication and promotion.
4. Information center support and management including English teaching, libraries, and American studies.
5. Change in emphasis from technique to subject in:
   a. Science and technology.
   b. Political and security affairs.
   c. Arts and humanities.
   d. Political and social processes.
   e. Economics.
6. Bicentennial plans.

This session will be open to the general public. Persons wishing to attend the Commission's meeting should contact Mr. Louis T. Olom, Staff Director, U.S. Advisory Commission on Information, Room 1008, 1750 Pennsylvania Ave, NW., Washington, D.C. 20547, so that adequate space will be assured. Written statements concerning topics set forth in the agenda should also be submitted to Mr. Olom.

MARGARET J. MILLER,
Federal Register Liaison Officer.

[FR Doc.75-2092 Filed 1-22-75;8:45 am]

PRESIDENTIAL CLEMENCY BOARD

NOTICE OF MEETINGS

JANUARY 21, 1975.

Notice is hereby given, pursuant to the provisions of the Federal Advisory Committee Act of 1972, that meetings of the Presidential Clemency Board will be held on February 6-8 and February 20-22, 1975, at 9:00 a.m., in Room 459, Old Executive Office Building, Washington, D.C.

These meetings will not be open to the public since (1) the Board will discuss matters related solely to its internal personnel and practices under 5 U.S.C. 522(b)(2), and (2) will examine personnel and similar files, disclosure of which would constitute an unwarranted invasion of privacy under (b)(6) of the same section.

CHARLES E. GOODELL,
Chairman.

DETERMINATION PURSUANT TO SECTION 10(d) OF THE FEDERAL ADVISORY COMMITTEE ACT CONCERNING MEETINGS OF THE PRESIDENTIAL CLEMENCY BOARD

JANUARY 21, 1975.

By authority of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, as delegated by section 3 of Executive Order 11769, it is hereby determined that for the reasons set forth in the attached Presidential Clemency Board Notice of Meetings, the meetings ascribed therein will concern matters within section 552(b)(2) and (b)(6) of Title 5, United States Code, and therefore shall not be open to the public.

ROY L. ASH,
Director, Office of Management and Budget.

[FR Doc.75-2310 Filed 1-22-75;12:11 pm]

INTERSTATE COMMERCE COMMISSION

[Notice 680]

ASSIGNMENT OF HEARINGS

JANUARY 20, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after January 23, 1975.

Correction:

MC 61562 Sub 320, Jenkins Truckline, Inc., now assigned February 19, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St., instead of January 19, 1975.

MC 107515 Sub 892, Refrigerated Transport Co., now assigned February 20, 1975, at Chicago, Ill., will be held in Room 1986A, Everett McKinley Dirksen Building, 219 S. Dearborn St., instead of January 20, 1975.

MC 124170 Sub 38, Frostway, Inc., MC 124170 Sub 41, now assigned February 24, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St., instead of January 24, 1975.

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

[FR Doc.75-2166 Filed 1-22-75;8:45 am]

[Notice 679]

ASSIGNMENT OF HEARINGS

JANUARY 20, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after January 23, 1975.

MC 74321 Sub 96, B. F. Walker, Inc., now assigned February 10, 1975, at Denver, Colo., is cancelled and the application dismissed.

No. MC-C-8378, Laurel Hill Trucking Company, Employees Assistance, Inc., and PV Trucking, Inc.—Investigation and Revocation of Certificate and Permit, now being assigned March 10, 1975 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC 140005, Dependable Interline Transfers, Inc., now being assigned March 11, 1975 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC-F-12223, Newport Trucking Corp.—Purchase—Relay Transport, Inc., now being assigned March 13, 1975 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC-F-12253, Vallerie's Transportation Service, Inc.—Purchase (Portion)—Starlite Delivery Service, Inc., now being assigned March 3, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 61440 Sub 138, Lee Way Motor Freight, Inc., now being assigned March 10, 1975 (2 days), in Room 609, Federal Office Building, 911 Walnut St., Kansas City, Mo.

MC 124796 Sub 117, Continental Contract Carrier Corp., now being assigned March 12, 1975 (2 days), in Room 609, Federal Office Building, 911 Walnut St., Kansas City, Mo.

MC 111545 Sub 201, Home Transportation Company, Inc., now being assigned March 10, 1975 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 123048 Sub 311, Diamond Transportation System, Inc., now being assigned March 11, 1975 (1 day), at Chicago, Ill., in a hearing room to be designated later.

MC 95876 Sub 151, Anderson Trucking Service, Inc., now being assigned March 12, 1975 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC-C-8412, Bowman Transportation, Inc.—Investigation and Revocation of Certificates, now assigned February 25, 1975, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street NW.

MC 20783 Sub 103, Tompkins Motor Lines, Inc., now assigned February 27, 1975, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree St. NW.

MC 106644 Subs 182 & 183, Superior Trucking Company, Inc., now assigned March 3, 1975, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree St. NW.

MC 40978 Sub 21, Chair City Motor Express Company, now being assigned March 11, 1975 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

MC 107295 Sub 724, Pre-Fab Transit Co., now being assigned March 13, 1975 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

MC 73937 Sub 16, Hogan Storage & Transfer Company, now being assigned March 17, 1975 (1 week), at Columbus, Ohio, in a hearing room to be later designated.

MC 139601, Valley Transit Co., Inc., now assigned February 11, 1975, at Harrisburg, Pa., will be held in Room 392, Federal Building, 228 Walnut Street.

MC 115279 (Sub-No. 7), Click Messenger Service, Inc., now assigned February 24, 1975, at New York, N.Y., will be held in Room B-2231, 26 Federal Plaza.

MC 124138 (Sub-No. 2), Old Lyme-Saybrook Taxi Service, Inc., now assigned February 19, 1975, at Hartford, Conn., will be held in Room 565A Public Utilities Commission, 165 Capitol Avenue.

MC 134063 Sub 7, Midwest Transportation Company, A Corp., now assigned February 25, 1975, at Ohama, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th St.

MC 135007 Sub 43, American Transport, Inc., now assigned February 26, 1975, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th St.

MC-F-12187, Hunt Transportation, Inc.—Investigation of Control—Jack's Machinery Transportation Corporation, now assigned February 27, 1975, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th St.

MC 53965 Sub 91, Graves Truck Line, Inc., now assigned March 3, 1975, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th St.

MC 121586 Sub 1, Kruse Transportation Co., Inc., now assigned March 5, 1975, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th St.

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

[FR Doc.75-2167 Filed 1-22-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JANUARY 20, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's gateway elimination rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 3, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 1197 (Sub-No. E1), filed May 13, 1974. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5231 Monroe, Denver, Colo. 80216. Applicant's representative: Ira E. Neal (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Denver, Colo., on the one hand, and, on the other, Salt Lake City, Utah. The purpose of this filing is to eliminate the gateway of Montrose, Colo.

No. MC 31462 (Sub-No. E21), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Arkansas on and north of a line beginning at the Mississippi River, thence along U.S. Highway 49 to junction U.S. Highway 79, thence along U.S. Highway 79 to Pine Bluff, Ark., thence along U.S. Highway 270 to Hot Springs, Ark., thence along U.S. Highway 70 to junction Arkansas Highway 8, thence along Arkansas Highway 8 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to the Arkansas-Oklahoma State line, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along Texas Highway 79 to junction U.S. Highway

380, thence along U.S. Highway 380 to junction Highway 277, thence along U.S. Highway 277 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction Texas Highway 70, thence along Texas Highway 70 to junction Interstate Highway 20, thence along Interstate Highway 20 to Big Springs, Tex., thence along U.S. Highway 87 to junction Texas Highway 33, thence along Texas Highway 33 to junction U.S. Highway 67, thence along U.S. Highway 67 to the International Boundary line between the United States and Mexico. The purpose of this filing is to eliminate the gateway of any point in Okmulgee County, Okla.

No. MC 31462 (Sub-No. E25), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa, or any point within 50 miles thereof; and (2) Kansas City, Mo., or any point within 30 miles thereof.

No. MC 31462 (Sub-No. E128), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa, or any points in Iowa within 50 miles thereof; and (2) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E129), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission between points in Indiana on the one hand, and, on the other, points in that part of Iowa on and west of a line beginning at the Iowa-Minnesota State line, thence along Iowa Highway 150 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction Iowa Highway 13, thence along Iowa Highway 13 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateway of Burlington, Iowa, or any point within 50 miles thereof.

No. MC 31462 (Sub-No. E130), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along Texas Highway 24 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 31, thence along Texas Highway 31 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 90, thence along Texas Highway 90 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 25 miles of Cairo, Ill., and (2) any point in Okmulgee County, Okla.

No. MC 31462 (Sub-No. E132), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E133), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateway of Burlington, Iowa, or any point in Iowa within 50 miles thereof.

No. MC 31462 (Sub-No. E134), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of Kansas City, Mo., or any points within 30 miles thereof.

No. MC 31462 (Sub-No. E135), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Indiana on and north of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 40 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Illinois State line, on the one hand, and, on the other, points in that part of Missouri on and north of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 54 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 15, thence along Missouri Highway 15 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of any point in Missouri within 50 miles of Burlington, Iowa.

No. MC 31462 (Sub-No. E136), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the International Boundary line, between the United States and Canada, thence along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of (1) any point in North Dakota within 200 miles of Williston, N. Dak., and (2) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 123407 (Sub-No. E175), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *composition board, ceiling tile, materials,* and *accessories* used in the installation of composition board and ceiling tile (except lumber and commodities in bulk, and iron and steel commodities which because of their size or weight require the use of special equipment), from the facilities of Certain-Teed Corporation in Scott County, Minn., to points in Georgia, Virginia, West Virginia, Maryland, Delaware, New Jersey, Connecticut, Massachusetts, New Hampshire, Maine, New York, Jefferson, Love, Carter, Marshall, Bryan, Choctow, and McCurtain Counties, Okla., points in Texas except the Counties of Dallam, Sherman, Hansford, Ochltree, Lipsoome, Hartley, Moore, Hutchingon, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collinsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Lamb, Hale, Floyd, Motley, Cottle, and Hardeman, and points in New Mexico except the Counties of San Juan, Rio Arriba, Taos, Colfax, Union, Harding, Mora, O'Day, San Miguel, and Sandoval. The purpose of this filing is to eliminate the gateway of that part of the Commercial Zone of Dubuque, Iowa, in Wisconsin.

No. MC 123407 (Sub-No. E179), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *composition board, ceiling tile, materials,* and *accessories* used in the installation of composition board, and ceiling tiles (except lumber and commodities in bulk), from Port Clinton, Ohio, to points in Colorado, New Mexico, and points in Texas, except the Counties of Red River, Bowie, Franklin, Titus, Cass, Morris, Camp, Wood, Upshur, Marion, Smith, Gregg, Harrison, Cherokee, Rusk, Panola, Shelby, Nacogdoches, Houston, San Augustine, Angelina, Sabine, Walker, Trinity, Polk, Tyler, Jasper, Newton, Orange, Jefferson, Chambers, Liberty, Hardin, San Jacinto, Montgomery, Harris, Fort Bend, Galveston, and Brazoria. The purpose of this filing is to eliminate the gateway of East Dubuque, Ill., and that part of the Commercial Zone of Dubuque, Iowa, within Illinois.

No. MC 31462 (Sub-No. E185), filed May 13 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 65 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line, on the one hand, and, on the other, points in that part of Louisiana on and east of a line beginning at the Louisiana-Mississippi State line, thence along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 167, thence along U.S. Highway 167 to Abbeville, La., thence along Louisiana Highway 82 to Pecan Island, La. The purpose of this filing is to eliminate the gateway of (1) Cairo, Ill., or any point in Illinois within 25 miles thereof; (2) Gulfport, Miss., or any point in Mississippi within 35 miles thereof.

No. MC 31462 (Sub-No. E186), filed May 13 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in that part of Texas, on and south of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 62 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Texas Highway 86, thence along Texas Highway 86 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway of (1) Kansas City, Mo., or any point within 30 miles thereof, and (2) any point in Okmulgee County, Okla.

No. MC 31462 (Sub-No. E187), filed May 13 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Kansas City, Mo., or any point within 30 miles thereof.

No. MC 31462 (Sub-No. E189), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateways of (1) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (2) Burlington, Iowa, or any point in Iowa within 50 miles thereof.

No. MC 31462 (Sub-No. E190), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateways of (1) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (2) Burlington, Iowa, or any point in Iowa within 50 miles thereof.

No. MC 31462 (Sub-No. E191), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in that part of Iowa on and west of a line beginning at the Iowa-Wisconsin State line, thence along U.S. Highway 18 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction Iowa Highway 101, thence along Iowa Highway 101 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Kansas-Missouri State line, at St. Joseph, Mo., thence along U.S. Highway 169 to junction Missouri Highway 291, thence along Missouri Highway 291 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction Missouri Highway 7, thence along Missouri Highway 7 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Missouri Highway 64, thence along Missouri Highway 64 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Kansas City, Mo., or any point within 30 miles thereof.

No. MC 31462 (Sub-No. E192), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of (1) Cairo, Ill., or any point in Illinois within 25 miles thereof; (2) any point in Tennessee; and (3) any point in Georgia.

No. MC 31462 (Sub-No. E193), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway

of Cairo, Ill., or any point in Illinois within 25 miles thereof.

No. MC 123407 (Sub-No. E197), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., S. Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, (2) *Materials and accessories* used in the installation of the commodities in (1) above (except lumber and commodities in bulk), and (3) *Ceiling tile*, from International Falls, Minn., to points in Texas, New Mexico, and the Counties of Mesa, Delta, Gunnison, Saguache, Alamosa, Huerfano, Las Animas, Otero, Bent, Prowers, Baca, Costilla, Conejos, Rio Grande, Mineral, Archuleta, Hinsdale, La Plata, Montezuma, San Juan, Dolores, San Miguel, Montrose, and Ouray, Colo. The purpose of this filing is to eliminate the gateway of that part of the commercial zone of Dubuque, Iowa, within Illinois.

No. MC 123407 (Sub-No. E198), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., S. Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, (2) *Materials and accessories* used in the installation of the commodities above (except lumber and commodities in bulk), from Superior, Wis., to points in New Hampshire, Connecticut, Delaware, and Massachusetts. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 123407 (Sub-No. E199), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., S. Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, materials, and accessories* used in the installation of composition board (except lumber and commodities in bulk), from Dollar Bay, Mich., to points in Montana and Wyoming. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 123407 (Sub-No. E202), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., S. Haven Square, Valparaiso, Ind., 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, (2) *Materials and accessories* used in the installation of the commodities in (1) above (except lumber and commodities in bulk), and (3) *Ceiling tile*, from International Falls, Minn., to points in Texas, New Mexico, South Carolina, Georgia, and Florida. The purpose of this filing is to eliminate the gateway of that part of Dubuque, Iowa, commercial zone, within Illinois.

No. MC 123407 (Sub-No. E203), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., S. Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, (2) *Materials and accessories* used in the installation of the commodities in (1) above (except lumber and commodities in bulk), and (3) *Ceiling tile*, from Freeport, Ill., to points in Colorado, New Mexico, Texas, Florida, Georgia, and South Carolina. The purpose of this filing is to eliminate the gateway of those parts of the commercial zone of Dubuque, Iowa, in Illinois and Wisconsin.

No. MC 107064 (Sub-No. E8), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas on, south, and west of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 70 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to the United States-Mexico International Boundary line, except points in El Paso, Hudspeth, Culberson, and Jeff Davis Counties, Tex., to points in Nevada. The purpose of this filing is to eliminate the gateway of Ector County, Tex.

No. MC 107064 (Sub-No. E11), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from those points in Texas in and south of Gaines, Dawson, Borden, Scurry, Mitchell, Coke, Tom Green, and Concho Counties, Tex., and on and west of U.S. Highway 83, to points in South Dakota. The purpose of this filing is to eliminate the gateway of Ector County, Tex.

No. MC 107064 (Sub-No. E12), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from those points in Texas on and west of U.S. Highway 83, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Ector County, Tex.

No. MC 107064 (Sub-No. E14), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from those points in Texas in and west of Cochran, Hockley, Lubbock, Lynn, Borden, Howard, Sterling, Reagan, Crockett, and Val Verde Counties, Tex., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Ector County, Tex.

No. MC 107064 (Sub-No. E15), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, tank vehicles, from those points in and west of Oldham, Potter, Randall, Swisher, Floyd, Crosby, Garza, Scurry, Mitchell, Coke, Tom Green, Schleicher, Sutton, and Val Verde Counties, Tex., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Ector County, Tex.

No. MC 107064 (Sub-No. E17), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from those points in Texas in and west of Parmer, Castro, Swisher, Hale, Crosby, Garza, Scurry, Mitchell, Coke, Tom Green, Schleicher, Crockett, and Terrell Counties, Tex., to points in Georgia. The purpose of this filing is to eliminate the gateway of Ector County, Tex.

No. MC 107064 (Sub-No. E19), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from those points in Texas in and south of Cochran, Hockley, Lubbock, Crosby, Dickens, and King Counties, Tex., and on and west of U.S. Highway 83, except points in El Paso and Hudspeth Counties, Tex., to points in Idaho. The purpose of this filing is to eliminate the gateway of Ector County, Tex.

No. MC 107403 (Sub-No. E646) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER January 9, 1975. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals*, in bulk, in tank vehicles, from Camden, Carneys Point, Deepwater, and Gibbsboro, N.J., to points in that part of Pennsylvania which are within 150 miles of Monongahela, Pa.; (2) *Dry chemicals*, in bulk, in tank vehicles, from points in that part of New Jersey north of New Jersey Highway 33, to points in Butler, Cambria, Erie, Law-

rence, McKean, Mercer, and Warren Counties, Pa.; and (3) *Dry chemicals*, in bulk, in tank vehicles, from points in that part of New Jersey on and north of New Jersey Highway 33, to points in that part of Pennsylvania south of Interstate Highway 80 which are within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gatesways of Camden, N.J., and Philadelphia and Johnston, Pa., in (1) above; Philadelphia, Pa., and Camden, N.J., in (2) above; and Cambria County, Pa., Camden, N.J., and Philadelphia, Pa., in (3) above. The purpose of this correction is to correct the "E" number previously published as E597, E597A, and E597B.

No. MC 108207 (Sub-No. E61), filed May 31, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Worthington, Minn., to points in Louisiana, and those points in California on and south of a line beginning at the Pacific Ocean, and extending along California Highway 20 to its junction with Interstate Highway 5, thence along Interstate Highway 5 to its junction with Interstate Highway 505, thence along Interstate Highway 505 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with California Highway 12, thence along California Highway 12 to its junction with California Highway 99, thence along California Highway 99 to its junction with California Highway 140, thence along California Highway 140 to its junction with California Highway 120, thence along California Highway 120 to its junction with U.S. Highway 395, thence along U.S. Highway 395 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 108207 (Sub-No. E69), filed May 31, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission (except canned or packaged meats and canned or packaged meat products, other than canned hams, packaged hams, and packaged bacon), from points in Michigan on and south of Michigan Highway 55, to points in Kansas, Nebraska, and those points in Iowa on, south, and west of a line beginning at the Mississippi River and extending along Michigan Highway 55 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of Peoria, Ill.

No. MC 109478 (Sub-No. E19), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Preserved foodstuffs*, in bulk, in tank vehicles, from points in New York within 50 miles of LeRoy, Mt. Morris, and Oakfield, N.Y., to Baltimore, Md., and the District of Columbia. The purpose of this filing is to eliminate the gateway of Mt. Morris and Oakfield, N.Y.

No. MC 109478 (Sub-No. E20), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Food products* (except frozen foods), in bulk, in tank vehicles, from Geneva, Ohio, to Fall River, Boston, New Bedford, and Taunton, Mass., Swedesboro, N.J., Jersey City, N.J., and points in New Jersey within 25 miles thereof, points in New York and Providence, R.I. The purpose of this filing is to eliminate the gateways of Brocton, Monroe County, and Genesee County, N.Y.

No. MC 109478 (Sub-No. E24), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16401. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable juices*, in bulk, in tank vehicles, from Geneva, Ohio, to points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 15 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of points in New York on, west, and south of a line beginning at Lake Ontario extending along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line.

No. MC 109478 (Sub-No. E37), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and parts therefor*, from Fairmont, W. Va., to Fall River, Boston, New Bedford, and Taunton, Mass., Providence, R.I., and those points in New York on, east, and north of a line beginning at Lake Ontario extending along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 7, thence along New York Highway 7 to junction U.S. Highway 20, thence along U.S. Highway 20 to the New York-Massachusetts State line. The purpose of this filing is to eliminate the gateways of Genesee and Monroe Counties, and LeRoy and points within 50 miles thereof, N.Y.

No. MC 109478 (Sub-No. E38), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and parts therefor*, from Ohio and those points in Pennsylvania on and west of U.S. Highway 219, to Fall River, Boston, New Bedford, and Taunton, Mass., Providence, R.I., and points in New York. The purpose of this filing is to eliminate the gateways of Brocton, LeRoy, and points within 50 miles thereof, Erie County, and Chautauqua County, N.Y.

No. MC 109478 (Sub-No. E39), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and parts therefor*, from Lapel, Lawrenceburg, and Marion, Ind., and Streator and Chicago, Ill., to Fall River, Boston, New Bedford, and Taunton, Mass., Jersey City, and points in New Jersey within 25 miles thereof, and Swedesboro, N.J., Providence, R.I., and points in New York. The purpose of this filing is to eliminate the gateways of Brocton, Westfield, LeRoy, and points within 50 miles thereof, Chautauqua County, Erie County, Genesee County, and Monroe County, N.Y., and North East, Pa.

No. MC 109478 (Sub-No. E40), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and parts therefor*, from Salem, N.J., to Lawton and Decatur, Mich., and Erie County, Pa. The purpose of this filing is to eliminate the gateway of Brocton and Westfield, N.Y.

No. MC 109478 (Sub-No. E41), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and parts therefor*, from points in New Jersey, Pennsylvania, and Baltimore, Md., to Erie and Chautauqua Counties, N.Y., and Erie County, Pa. The purpose of this filing is to eliminate the gateways of Brocton and Westfield, N.Y., and North East, Pa.

No. MC 109478 (Sub-No. E42), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glass containers and parts therefor*, from Boston and Waban, Mass., to Erie County, Pa. The purpose of this firing is to eliminate the gateway of Brocton, N.Y.

No. MC 109478 (Sub-No. E43), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers and parts therefor*, from points in Ohio and those points in Pennsylvania on and west of U.S. Highway 219, to Fall River, Boston, New Bedford, and Taunton, Mass., Providence, R.I., and points in New York. The purpose of this filing is to eliminate the gateways of Brocton, Leroy and points within 50 miles thereof, Chautauqua County and Erie County, N.Y.

No. MC 110525 (Sub-No. E1029), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water softening compounds*, dry, in bulk, in tank vehicles, from Nashua, N.H., to points in Delaware, Maryland, the District of Columbia, Alabama, Richmond County, Ga., Iowa, Minnesota, Missouri, Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Union, and Warren Counties, N.J., and points in that part of Wisconsin beginning at Milwaukee, Wis., thence along U.S. Highway 16 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to junction Wisconsin Highway 68, thence along Wisconsin Highway 68 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 41, thence along U.S. Highway 41 to Wisconsin Highway 23, thence along Wisconsin Highway 23 to Sheboygan, Wis. The purpose of this filing is to eliminate the gateways of Springfield, Mass., Port Ivory, Staten Island, N.Y., Newark, N.J., Atlanta, Ga., and Lima, Pa.

No. MC 110525 (Sub-No. E1301), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER, November 27, 1974. Applicant: CHEMICAL LE/.MAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases), in bulk, in tank vehicles, from points in that part of California in and south of Santa Cruz, Santa Clara, Merced, Mariposa, Madera, and Mono Counties, to points in that part of Ohio on, south, and east of a line beginning at the Indiana-Ohio State line, thence along Ohio Highway 81 to Lima, thence along Interstate Highway 75 to Findlay, thence along Ohio Highway 12 to junction Ohio Highway 53, thence along Ohio Highway 53 to junction U.S. Highway 6, thence along U.S. Highway 6 to Sandusky. The purpose of this filing is to eliminate the gateway of Houston, Tex. The purpose of this correction is to clarify the commodity description.

No. MC 112963 (Sub-No. E1), filed May 12, 1974. Applicant: ROY BROS., INC., 764 Boston Road, Billerica, Mass. 01821. Applicant's representative: Leonard E. Murphy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, from points in New Jersey to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Lowell, Mass.

No. MC 112963 (Sub-No. E2), filed May 12, 1974. Applicant: ROY BROS., INC., 764 Boston Road, Billerica, Mass. 01821. Applicant's representative: Leonard E. Murphy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, from points in New York City, N.Y., to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Lowell, Mass.

No. MC 113459 (Sub-No. E68), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Machinery, equipment, materials, and supplies* incidental to or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (3) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; between points in Texas, on the one hand, and, on the other, points in Illinois (points in Oklahoma)*;

(B) (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; (2) *Parts of commodities*, which, by reason of size or weight, require the use of special equipment, either when incidental to the transportation of such commodities, or when transported as separate and unrestricted shipments; (3) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith; (4) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products (except the stringing and picking up of pipe in connection with main or trunk pipelines); (5) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (6) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; between points in that part of Kansas on and south of U.S. Highway 160, on the one hand, and, on the other, points in Nebraska (points in Oklahoma)*;

(C) (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; (2) *Parts of commodities*, which, by reason of size or weight, require the use of special equipment, either when incidental to the transportation of such commodities, or when transported as separate and unrestricted shipments; (3) *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies when moving in connection therewith; between points in that part of Nebraska on and west of U.S. Highway 83, on the one hand, and, on the other, points in that part of New Mexico on and south of a line beginning at the New Mexico-Oklahoma State line and extending along U.S. Highway 56 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to its junction with New Mexico Highway 90, thence along New Mexico Highway

90 to its junction with Interstate Highway 10, thence along Interstate Highway 10 to the New Mexico-Arizona State line (points in Oklahoma)*; and (D)(1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water or sewerage, restricted to the transporation of shipments moving to or from pipeline rights-of-way; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; between points in Nebraska on and west of U.S. Highway 83, on the one hand, and, on the other, points in Lea and Eddy Counties, N. Mex. (points in Oklahoma)*. Restriction: The operations authorized in (B)(1) and (2), and (C)(1) and (2) above are restricted against the transportation of those commodities used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of main or trunk pipelines and against the transportation of farm machinery, and the operations authorized in (B)(3) and (C)(3) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113459 (Sub-No. E69), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal tubing and pipe* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products (except the stringing and picking up of pipe in connection with main or trunk pipelines; (2) *Metal tubing and pipe*, incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; and (3) *Metal tubing and pipe*, the transportation of which, by reason of size or weight, require the use of special equipment; from points in Nebraska to points in Georgia; from points in North Dakota to points in Alabama and Mississippi; and from points in Montana to points in Alabama, Georgia, and Mississippi. Restriction: The operations authorized in (3) above are restricted against the transportation of those commodities used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe or trunk pipelines and against the transportation of farm machinery. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 113459 (Sub-No. E70), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A)(1) *Metal tubing and pipe*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products (except the stringing and picking up of pipe in main or trunk pipelines); (2) *Metal tubing and pipe*, incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; and (3) *Metal tubing and pipe*, the transportation of which, by reason of size or weight, require the use of special equipment; from points in South Dakota to points in Alabama, Georgia, and Mississippi (points in Oklahoma)*; (B)(1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; (2) *Parts of commodities*, which, by reason of size or weight require the use of special equipment, either when incidental to the transportation of such commodities, or when transported as separated and unrestricted shipments; and (3) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith; between points in South Dakota, on the one hand, and, on the other, points in that part of New Mexico on and south of a line beginning at the New Mexico-Colorado State line and extending along Interstate Highway 25 to its junction with U.S. Highway 64, thence along U.S. Highway 64 to its junction with New Mexico Highway 30, thence along New Mexico Highway 30 to its junction with New Mexico Highway 4, thence along New Mexico Highway 4 to its junction with New Mexico Highway 44, thence along New Mexico Highway 44 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to its junction with Interstate Highway 40, thence along Interstate Highway 40 to the New Mexico-Arizona State line (points in Oklahoma)*;

(C)(1) *Machinery, equipment, materials and supplies* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (3) *Earth drilling machinery and equipment*, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; between points in South Dakota, on the one hand, and, on the other, points in Lean Eddy County, N. Mex. (points in Oklahoma)*; (D)(1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; (2) *Parts of commodities*, which, by reason of size or weight, require the use of special equipment, either when incidental to the transportation of such commodities, or when transported as separate and unrestricted shipments; and (3) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith; between points in North Dakota, on the one hand, and, on the other, points in that part of New Mexico on and south of a line beginning at the New Mexico-Arizona State line and extending along Interstate Highway 40 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to its junction with U.S. Highway 84, thence along U.S. Highway 84 to its junction with U.S. Highway 64, thence along U.S. Highway 64 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to the New Mexico-Colorado State line (points in Oklahoma)*;

(E)(1) *Machinery, equipment, materials, and supplies* incidental to or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for

the transmission of natural gas, petroleum, their products, and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (3) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; between points in North Dakota, on the one hand, and, on the other, points in Lea and Eddy Counties, N. Mex. (points in Oklahoma)*; (F) (1) *Commodities*, the transportation of which, by reason or size or weight, require the use of special equipment; and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith; between points in Utah, on the one hand, and, on the other, points in the Lower Peninsula of Michigan (points in Oklahoma) and Illinois)*; and

(G) (1) *Machinery, equipment, materials, and supplies* incidental to or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipeline used for the transmission of natural gas, petroleum, their products, and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (3) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; between points in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Illinois (points in Oklahoma)*. Restriction: The operations authorized in (A) (3), (B) (1), and (2), and (D) (1) and (2) above are restricted against the transportation of those commodities used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of main or truck pipelines, and against the transportation of farm machinery; the operations authorized in (B) (3) and (D) (3) above are restricted to commodities which are transported on trailers; and the operations authorized in (F) above are restricted against the transportation of agricultural machinery and agricultural tractors. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113459 (Sub-No. E71), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (A) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; and (B) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products (except the stringing and picking up of pipe in connection with main or trunk pipelines; between points in Colorado, on the one hand, and, on the other, points in Alaska (points in Wyoming)*; (2) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; between points in Alaska, on the one hand, and, on the other, points in Missouri (points in Kansas and Wyoming)*; and (3) *Machinery, equipment, materials, and supplies* used in, or in connection with, discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products (except in connection with main or trunk pipelines), and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines (except in connection with main or trunk pipelines); between points in Colorado, on the one hand, and, on the other, points in that part of South Dakota on, north, and west of a line beginning at the Wyoming-South Dakota State line and extending along U.S. Highway 14 to the Missouri River, thence along the Missouri River to the North Dakota-South Dakota State line (points in Colorado east of U.S. Highway 87)*; and between points in Colorado on the one hand, and, on the other, points in that part of North Dakota on and west of North Dakota Highway 30 (points in Colorado east of U.S. Highway 87)*. Restriction: The operations authorized in (2) above are restricted against the transportation of agricultural machinery and agricultural tractors. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 114019 (Sub-No. E271), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers, and closures* thereof and *accessories* therefore, and *paper cartons* used in the packing and shipping of glass articles, all of which are used in the retail food or household supply business, from Richmond, Indiana, to points in Atchinson, Brown, Clay, Cloud, Doniphan, Douglas, Jackson, Jefferson, Leavenworth, Marshall, Nemaha, Pottawatomie, Republic, Riley, Shawnee, and Washington Counties, Kans. The purpose of this filing is to eliminate the gateway of St. Joseph, Mo.

No. MC 114019 (Sub-No. E272), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), in mechanically refrigerated vehicles, from the facilities of Wilson & Co., Inc., at Monmouth, Ill., to points in Minnesota, Wisconsin, Virginia, West Virginia, Bowling Green, Ky., and those points in Kentucky on and east of U.S. Highway 127, Nashville, Tenn., Detroit, Grand Rapids, St. Joseph, Benton Harbor, Niles, Buchanan, Sturgis, and Three Rivers, Mich. The purpose of this filing is to eliminate the gateways of Muscatine, Iowa, Evansville, Jeffersonville, and Gary, Ind., and Union City, Ohio.

No. MC 114019 (Sub-No. E273), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared and preserved foodstuffs*, except canned foods, frozen foods, and commodities in bulk, in tank vehicles, (a) from points in Maryland and Delaware to Denver, Colo., and points in that part of Nebraska on and east of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 83 to its junction with U.S. Highway 30 to the Missouri River, and points in Kansas on and east of U.S. Highway 281; and (b) from points in Delaware, and those in Maryland on and east of U.S. Highway 15 to points in West Virginia in and west of Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Ritchie, Calhoun, Roane, Kanawha, Boone, Logan, and Mingo Counties. The purpose of this filing is to eliminate the gateways of Effingham, Ill., and Bridgeport, Ohio.

No. MC 114211 (Sub-No. E404), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authoriy sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery,*

and contractors' equipment and supplies, from points in that part of Minnesota on and southeast of a line beginning at the Wisconsin-Minnesota State line, thence along Interstate Highway 94 to junction Interstate Highway 35W, thence along Interstate Highway 35W to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line to points in Washington, Oregon, California, Nevada, Idaho, Arizona, Utah, Montana, Wyoming, North Dakota, New Mexico, and to points in that part of Maine on and east of a line beginning at Newagen, Maine, thence along Maine Highway 27 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction U.S. Highway 201, thence along U.S. Highway 201 to the Maine-Canada International Boundary line, and to points in Florida-Canada International Boundary line, and to points in Florida on and south of a line beginning at Punta Russa, Fla., thence along Florida Highway 867 to junction Florida Highway 80, thence along Florida Highway 80 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction Florida Turnpike, thence along Florida Turnpike to junction Florida Highway 710, thence along Florida Highway 710 to Riveria Beach, Fla., and to points in that part of Louisiana on and southwest of a line beginning at the Gulf of Mexico, thence along Louisiana Highway 317 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Louisiana-Texas State line, and to points in that part of Texas on and south of a line beginning at the Arkansas-Texas State line.

Thence along U.S. Highway 67 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Texas-Oklahoma State line and to points in that part of Oklahoma on and west of the Texas-Oklahoma State line, thence along Interstate Highway 35 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Oklahoma Highway 34, thence along Oklahoma Highway 34 to junction U.S. Highway 270, thence along U.S. Highway 270 to the Oklahoma-Kansas State line, and to points in that part of Kansas on and southwest of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 83 to junction Kansas Highway 96, thence along Kansas Highway 96 to the Kansas-Colorado State line, and to points in that part of Colorado southwest of a line beginning at the Nebraska-Colorado State line, thence along Colorado Highway 113 to junction U.S. Highway 138, thence along U.S. Highway 138 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Colorado Highway 63, thence along Colorado Highway 63 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Colorado Highway 59, thence along Colorado Highway 59 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Colorado State line, and to points in that part of Nebraska on and southwest of a line beginning at the Nebraska-Colorado State line, thence along Nebraska Highway 19 to junction U.S. Highway 30.

Thence along U.S. Highway 30 to junction Nebraska Highway 71, thence along Nebraska Highway 71 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line, and to points in that part of South Dakota on and north of a line beginning at the South Dakota-Wyoming State line, thence along U.S. Highway 85 to junction Alternate U.S. Highway 14, thence along Alternate U.S. Highway 14 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction South Dakota Highway 20, thence along South Dakota Highway 20 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 12, thence along U.S. Highway 12 to the South Dakota-Minnesota State line, with no transportation for compensation on return except as otherwise authorized, restricted against the transportation to points in Maine of agricultural implements and machinery as defined in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 292. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E411), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings therefor* when moving with such pipe, from points in that part of Michigan on and north of a line beginning at Muskegon, Mich., thence along Interstate Highway 96 to junction Michigan Highway 21, thence along Michigan Highway 21 to Mackinaw City, Mich., to points in Colorado, New Mexico, Nebraska, and to points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 75 to the Oklahoma-Texas State line, and to points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 75 to junction Texas Highway 14, thence along Texas Highway 14 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Gulf of Mexico, and to points in that part of South Dakota on and south of a line beginning at the Iowa-South Dakota State line, thence along Interstate Highway 29 to junction South Dakota Highway 50, thence along South Dakota Highway 50 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Wyoming State line, and to points in that part of Wyoming on and south of a line beginning at the South Dakota-Wyoming State line, thence along U.S. Highway 16 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Wyoming-Montana State line, and to points in that part of Montana on and south of a line beginning at the Wyoming-Montana State line, thence along U.S. Highway 87 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Montana-Idaho State line, and to points in that part of Kansas on and west of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 59 to junction Kansas Highway 4, thence along Kansas Highway 4 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Co., at Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E416), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from points in that part of Minnesota on and southwest of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 12 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line to points in Florida, Georgia, South Carolina, North Carolina, West Virginia, Ohio, Alabama, and to points in that part of Louisiana on and east of a line beginning at the Gulf of Mexico, thence along Louisiana Highway 317 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Louisiana-Mississippi State line, and to points in that part of Mississippi on and east of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 80 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Natchez Trace Parkway, thence along Natchez Trace Parkway to junction U.S. Highway 45, thence along U.S. Highway

45 to the Mississippi-Tennessee State line, and to points in that part of Kentucky on and east of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 79 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Interstate Highway 65.

Thence along Interstate Highway 65 to the Kentucky-Indiana State line, and to points in that part of Tennessee on and east of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 45 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Tennessee Highway 13, thence along Tennessee Highway 13 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Tennessee-Kentucky State line, and to points in that part of Indiana on and east of a line beginning at the Kentucky-Indiana State line, thence along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 69, thence along Interstate Highway 69 to the Indiana-Michigan State line, and to points in that part of Michigan on and northeast of a line beginning at the Indiana-Michigan State line, thence along Interstate Highway 69 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Interstate Highway 96, thence along Interstate Highway 96 to junction Michigan Highway 37, thence along Michigan Highway 37 to junction Michigan Highway 46, thence along Michigan Highway 46 to Muskegon, Mich., and to points in that part of Washington on and west of a line beginning at the Washington-Canada International Boundary line, thence along Interstate Highway 5 to the Washington-California State line, and to points in that part of Oregon on and west of a line beginning at the Washington-Oregon State line.

Thence along U.S. Highway 197 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 31, thence along Oregon Highway 31 to junction U.S. Highway 395, thence along U.S. Highway 395 to the California-Oregon State line, and to points in that part of California on and west of a line beginning at the Oregon-California State line, thence along U.S. Highway 395 to junction California Highway 299, thence along California Highway 299 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Interstate Highway 10, thence along Interstate Highway 10 to the California-Arizona State line, and to points in that part of Wisconsin on and north of a line beginning at Marinette, Wis., thence along Wisconsin Highway 64 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line, with no transportation for compensation on return, except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E419), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), from points in Iowa, Illinois, and from points in that part of South Dakota on and east of a line beginning at the North Dakota-South Dakota State line, thence along South Dakota Highway 15 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line and from points in that part of Nebraska on and east of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to the Nebraska-Kansas State line, and from points in that part of Minnesota on and south of a line beginning at the North Dakota-Minnesota State line, thence along U.S. Highway 10 to junction Minnesota Highway 32, thence aong Minnesota Highway 32 to junction Minnesota Highway 113, thence along Minnesota Highway 113 to junction U.S. Highway 71, thence along U.S. Highway 71 to International Falls, Minn., to points in that part of Montana on and north of a line beginning at the North Dakota-Montana State line, thence along U.S. Highway 10 to junction Montana Highway 200S, thence along Montana Highway 200S to junction Montana Highway 200, thence along Montana Highway 200 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-Idaho State line, and to points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line, thence along U.S. Highway 12 to the Washington-Idaho State line, and to points in that part of Oregon on and northwest of a line beginning at the Washington-Oregon State line, thence along Oregon Highway 11 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Oregon Highway 74, thence along Oregon Highway 74 to junction Oregon Highway 206, thence along Oregon Highway 206 to junction Oregon Highway 19, thence along Oregon Highway 19 to junction Oregon Highway 218, thence along Oregon Highway 218 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 126, thence along Oregon Highway 126 to junction U.S. Highway 20, thence along U.S. Highway 20 to Newport, Oreg., and to points in that part of Washington on and northwest of a line beginning at the Idaho-Washington State line, thence along U.S. Highway 12 to junction Washington Highway 11, thence along Washington Highway 11 to the Washington-Oregon State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of that part of the Fargo, N. Dak., commercial zone lying within the State of Minnesota.

No. MC 114211 (Sub-No. E421), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery and contractors' equipment and supplies*, from points in that part of Iowa on and northwest of a line beginning at the South Dakota-Iowa State line, thence along U.S. Highway 20 to junction Iowa Highway 31, thence along Iowa Highway 31 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 4, thence along Iowa Highway 4 to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line, thence along Wisconsin Highway 35 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 79, thence along Wisconsin Highway 79 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E422), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings* and *accessories* therefor when moving with such pipe the transportation of which, because of size or weight, requires special equipment, from points in that part of Nebraska on and south of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 30 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line to points in that part of Illinois on and northeast of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 20

to junction Illinois Highway 84, thence along Illinois Highway 84 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Illinois Highway 9, thence along Illinois Highway 9 to the Illinois-Indiana State line, and to points in that part of Indiana on and northeast of a line beginning at the Illinois-Indiana State line, thence along Indiana Highway 26 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Ohio State line and to points in Wisconsin and Michigan. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E423), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings* and *accessories* therefor when moving with such pipe, the transportation of which, because of size or weight, requires special equipment, from points in that part of Nebraska on and southeast of a line beginning at the Iowa-Nebraska State line, thence along Interstate Highway 80 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Nebraska Highway 41, thence along Nebraska Highway 41 to junction Nebraska Highway 50, thence along Nebraska Highway 50 to the Nebraska-Kansas State line to points in Montana, Wyoming, South Dakota, North Dakota, Wisconsin, and the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E424), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings* and *accessories* therefor when moving with such pipe the transportation of which, because of size or weight, requires special equipment, from points in that part of Nebraska on and southeast of a line beginning at the Iowa-Nebraska State line, thence along Interstate Highway 80 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line to points in Minnesota. The purpose of this filing is to eliminate the gateway of the plant site of Griffin Pipe Products Co., of Minneapolis, Minn.

No. MC 114211 (Sub-No. E432), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, the transportation of which, because of size or weight, requires special equipment, between points in Missouri, on the one hand, and, on the other, points in Minnesota and North Dakota (except points in the Fargo, N. Dak., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission). The purpose of this filing is to eliminate the gateway of Cedar Rapids, Iowa.

No. MC 114211 (Sub-No. E1243), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, except commodities, the transportation of which, because of size or weight, requires the use of special equipment, from points in South Dakota to points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line, thence along Texas Highway 79 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Texas Highway 42, thence along Texas Highway 42 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Texas-Mexico International Boundary line restricted against the transportation of those described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459 and further restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 119934 (Sub-No. E1), filed May 12, 1974. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 320 N. Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except silicate of soda), in bulk, in tank vehicles, from Anderson, Ind., to points in Missouri and Iowa, restricted against the transportation of any traffic destined to points in Canada. The purpose of this filing is to eliminate the gateway of the facilities of National Distillers Products Corporation near Ficklin, Ill.

No. MC 119934 (Sub-No. E4), filed May 12, 1974. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 320 N. Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Acids* (except soda ash and chemicals derived from petroleum), in bulk, in tank vehicles, from East Chicago, Ind., to points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Oklahoma, and to points in that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 41 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of the plant site of the Central Inc., near Elwood, Ill. (B) *Phosphoric* Chemical Co., Division of Wilson & Co., *acid*, in bulk, in tank vehicles, from East Chicago, Ind., to points in Arkansas, Iowa, Minnesota, Missouri, and Nebraska, restricted against serving the site of any glass manufacturing plant. The purpose of this filing is to eliminate the gateway of the plant site of the National Phosphate Corporation, at or near Marseilles, Ill.

No. MC 119934 (Sub-No. E7), filed May 12, 1974. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser, 320 N. Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the facilities of National Distillers Products Corporation, near Ficklin, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of the plant site of Hawkeye Chemical Company, at or near Clinton, Iowa.

By the Commission.

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

[FR Doc.75-2168 Filed 1-22-75;8:45 am]

[Notice No. 6]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JANUARY 17, 1975.

The following applications (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 Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 200 (Sub-No. 270), filed December 30, 1974. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106. Applicant's representative: Ivan E. Moody, Suite 1200 Temple Building, 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of Western Electric Company at the junction of New York Highway 422 and Maple Street in Elma Township (Erie County), N.Y., in connection with applicant's authorized regular route operations to and from Buffalo, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or New York, N.Y.

No. MC 2401, (Sub-No. 55), filed Dec. 16, 1974. Applicant: MOTOR FREIGHT CORPORATION, 114 Fifth Avenue, New York, N.Y. 10011. Applicant's representative: (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, commodities in bulk and those requiring special equipment): Serving the plantsite of Bata Shoe Co., Inc., at or near Salem, Ind., as an off-route point in connection with carriers authorized regular route authority to Louisville, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 268), filed Dec. 9, 1974. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Serving the plantsite of Rigo Co., a Subsidiary of Central Soya Co., Inc., at or near Buckner, Ky., as an off-route point in connection with applicant's presently authorized regular routes; and (2) Serving the Kearney Industrial Park, at or near Flora, Miss., as an off-route point in connection with applicant's presently authorized regular route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., Louisville, Ky., or Washington, D.C.

No. MC 2900 (Sub-No. 269), filed Dec. 19, 1974. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: John Carter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and fittings;* and (2) *air coolers and air conditioning equipment*, from Faribault, Minn., to points in Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 6461 (Sub-No. 14) (Amendment), filed October 25, 1974, published in the FEDERAL REGISTER issue of November 27, 1974, and republished as amended, this issue. Applicant: B-LINE TRANSPORT CO., INC., East 7100 Broadway, Spokane, Wash. 99206. Applicant's representative: Max Gray (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, from the plantsite of the United States Gypsum Company at or near Tacoma, Wash., to points in Oregon and Washington, and Beaverhead, Broadwater, Cascade, Chouteau, Deer Lodge, Flathead, Gallatin, Glacier, Granite, Hill Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, Meagher, Mineral, Missoula, Ponders, Powell, Ravalli, Sanders, Silverbow, Teton, and Toole Counties, Mont., and points in Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Clearwater, Lewis, Idaho, Adams, Washington, Valley, Payette, Gem, Boise, Custer, Ada, Canyon and Elmore Counties, Idaho, restricted against tacking or interlining from the plantsite named above.

NOTE.—The purposes of this republication are (1) change the authority requested above from non-radial movements, to from and to authority; and (2) add the restriction stated above. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 13123 (Sub-No. 78), filed Dec. 9, 1974. Applicant: WILSON FREIGHT COMPANY, a corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite of Anchor Coupling Company, at or near Newark, Del., as an off-route point in connection with applicant's presently authorized regular routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 21060 (Sub-No. 17), filed December 16, 1974. Applicant: IOWA PARCEL SERVICE, INC., 3123 Delaware Avenue, Des Moines, Iowa 50313. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in Rock Island, Ill. and Scott County, Iowa, restricted to the transportation of parcels, packages and articles weighing 100 pounds or less, and further restricted against the transportation of parcels, packages, and articles weighing in the aggregate more than 500 pounds from one consignor to one consignee on any one day.

NOTE.—Common control may be involved. Applicant states that it intends to tack the authority requested above with all its existing authority, and its authority pending in MC 21060 (Sub-No. 15), at Scott County, Iowa to provide service between Rock Island County, Ill., on the one hand, and, on the other, points in Iowa, and points in Harrison, Worth, and Mercer Counties, Mo., subject to the applicable weight restrictions. The authority will be tacked at Scott County, Iowa with applicant's existing authority to provide service between Rock Island County, Ill., and Omaha, Nebr., on air freight shipments, motion picture film, and magazines and periodicals. If a hearing is deemed necessary, applicant requests it be held at Des Moines or Davenport, Iowa, or Washington, D.C.

No. MC 28060 (Sub-No. 29), filed Dec. 16, 1974. Applicant: WILLERS,

INC., 1400 North Cliff Avenue, Sioux Falls, S. Dak. 57101. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat byproducts*, in bulk, in tank vehicles, from Sioux, City, Iowa, to Sioux, Falls, S. Dak.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 29886 (Sub-No. 320), filed Dec. 19, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paving, road construction and maintenance machinery and equipment;* and (2) *attachments and parts*, for commodities described in (1) above, when moving in mixed shipments with (1) above, from the plant site and warehouse facilities of Blaw-Knox Construction Equipment, Inc., at or near Mattoon, Ill., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 31389 (Sub-No. 193), filed December 23, 1974. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) serving the plantsite of PPG Industries at or near Cheswold, Del. as an off-route point in conjunction with applicant's regular route operations to and from Baltimore, Md. and West Chester, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Pittsburgh, Pa. or Washington, D.C.

No. MC 31389 (Sub-No. 194), filed December 23, 1974. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: David F. Eshelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse of Franchise Mailing, Inc. at or near Montgomery, Minn., as an off-route point in connection with applicant's authorized regular route operations to and from Minneapolis-St. Paul, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Washington, D.C.

No. MC 32779 (Sub-No. 11), filed December 23, 1974. Applicant: SILVER EAGLE COMPANY, a corporation, 5949 N. Basin Avenue, Portland, Oreg. 97208. Applicant's representative: Robert R. Hollis, 400 Pacific Bldg., Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined in 17 M.C.C. 467, commodities in bulk, and commodities which because of size or weight require the use of special equipment), between Longview, Wash. and Portland, Oreg.: From Longview over Washington State Highway Route 433 to junction U.S. Highway route 30 to Portland, Oreg., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Portland, Oreg. or Seattle, Wash.

No. MC 35320 (Sub-No. 144), filed November 19, 1974. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, Tex. 79408. Applicant's representative: Kenneth G. Thomas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities* (except those of unusual value, livestock household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (A) Between Winchester, Va. and St. Louis, Mo.: From Winchester, Va., over U.S. Highway 50 to St. Louis, Mo., and return over the same route, as an alternate route for operating convenience only, in connection with carrier's presently-authorized regular-route operations, serving no intermediate points, and serving Winchester, Va., for purposes of joinder only; (B) Between Hagerstown, Md., and St. Louis, Mo.: From Hagerstown, Md., over Interstate Highway 70 to junction Interstate Highways 70 and 76, near Breezewood, Pa., thence over Interstate Highway 70 to St. Louis, Mo., and return over the same route, as an alternate route for operating convenience only, in connection with carrier's presently-authorized regular-route operations, serving no intermediate points, and serving Hagerstown, Md., for purposes of joinder only; (2) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, and those requiring special equipment); (A) Between Cincinnati, Ohio, and Evansville, Ind.: From Cincinnati, Ohio, over Interstate Highway 71 to Louisville, Ohio, thence over Interstate Highway 64 to junction Interstate Highway 64 and Indiana Highway 57, thence over Indiana Highway 57 to junction Indiana Highway 57 and U.S. Highway 41, thence over U.S. Highway 41 to Evansville, Ind., and return over the same route, as an alternate route for operating convenience only, in connection with carrier's presently-authorized regular route operations, serving no intermediate points, restricted against the transportation of local traffic moving between Cincinnati, Ohio, on the one hand, and, on the other, Evansville, Ind.

(B) Between Chicago, Ill., and St. Louis, Mo.: From Chicago, Ill. over Interstate Highway 55 to St. Louis, Mo., and return over the same route, as an alternate route for operating convenience only, in connection with carrier's presently authorized regular-route operations, serving no intermediate points, restricted against the transportation of strictly local traffic moving between Chicago, Ill. and points within its Commercial Zone as defined by the Commission, on the one hand, and, on the other, St. Louis, Mo. and points in its Commercial Zone as defined by the Commission; (C) Between the International Boundary line between the United States and Canada at Port Huron, Mich. and Detroit, Mich.: From the International Boundary line between the United States and Canada at Port Huron, Mich. over Interstate Highway 94 to Detroit, Mich. and return over the same route, as an alternate route for operating convenience only, in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving the International Boundary line at Port Huron, Mich. for purposes of joinder only; and (D) Between Chicago, Ill. and Kansas City, Mo.: From Chicago, Ill. over Interstate Highway 55 to junction Interstate Highway 55 and U.S. Highway 36, at or near Springfield, Ill., thence over U.S. Highway 36 to junction of U.S. Highway 36 and U.S. Highway 54 at or near Pittsfield, Ill., thence over U.S. Highway 54 to junction U.S. Highway 54 and Interstate Highway 70, at or near Kingdom City, Mo., thence over Interstate Highway 70 to Kansas City, Mo. and return over the same route as an alternate route for operating convenience only in connection with carrier's authorized regular-route operations, serving no intermediate points, restricted against the transportation of local traffic moving between Chicago, Ill. and points within its Commercial Zone as defined by the Commission, on the one hand, and, on the other, Kansas City, Mo. and points in its Commercial Zone as defined by the Commission;

(3) *General commodities* (except sand, gravel, coal, livestock and articles not suitable for transportation in standard equipment) Between Cincinnati, Ohio, and Atlanta, Ga.: From Cincinnati, Ohio over Interstate Highway 75 to Atlanta, Ga. and return over the same route, as an alternate route for operating conven-

ience only, in connection with carrier's presently authorized regular-route operations, serving the intermediate point of Knoxville, Tenn. for purposes of joinder only with carrier's presently authorized regular-routes; (4) *general commodities* (except those of unusual value, Classes A and B explosives, and ammunition and component parts of ammunition, however classified, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (A) Between Dallas, Tex. and Oklahoma City, Okla.: From Dallas, Tex. over Interstate Highway 35–E to junction of Interstate Highway 35–E and Interstate Highway 35, thence over Interstate Highway 35 to Oklahoma City, Okla. and return over the same route, as an alternate route for operating convenience only, in connection with carrier's presently authorized regular-route operations, serving no intermediate points; and (B) Between San Antonio and Dallas, Tex.: From San Antonio, Tex. over Interstate Highway 35 to Dallas, Tex. and return over the same route, as an alternate route for operating convenience only, in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving Dallas, Tex. for the purpose of joinder only with carrier's presently authorized routes; (C) Between Warner, Okla. and Dallas, Tex.:

(1) From Warner, Okla. over Interstate Highway 40 to junction Interstate Highway 40 and U.S. Highway 69, thence over U.S. Highway 69 and combined U.S. Highway 69 and 75 to Dallas, Tex. and return over the same route; and (2) From Warner, Okla. over U.S. Highway 266 to junction U.S. Highways 266 and 69 thence over U.S. Highway 69 and combined U.S. Highways 69 and 75 to Dallas, Tex. and return over the same route, as alternate routes for operating convenience only, in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving Warner, Okla. for purposes of joinder only; (5) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (A) Between Chicago, Ill. and Seattle, Wash.: (a) From Chicago, Ill. over Interstate Highway 90 to junction Interstate Highway 90 and U.S. Highway 16 at or near Alden, Minn., thence over U.S. Highway 16 and/or Interstate Highway 90 to Rapid City, S. Dak. thence over U.S. Highway 14 and/or Interstate Highway 90 to junction of Interstate Highway 90 and U.S. Highway 87 at or near Sheridan, Wyo., thence over U.S. Highway 87 and/or Interstate Highway 90 to junction U.S. Highway 87, Interstate Highway 90 and Interstate Highway 94 at or near Billings, Mont., thence over U.S. Highway 10 and/or Interstate Highway 90 to Spokane, Wash. thence over Interstate Highway 90 to Seattle, Wash. and return over the same route; and (b) From Chicago, Ill. over Interstate Highway 90, as it is completed, to Seattle, Wash. and return over the same route;

(B) Between Evansville, Ind. and Louisville, Ky.: From Evansville, Ind. over U.S. Highway 41 to junction U.S. Highway 41 and Indiana Highway 57, thence over Indiana Highway 57 to junction Indiana Highway 57 and Interstate Highway 64, thence over Interstate Highway 64 to Louisville, Ky. and return over the same route, 5 (a) and (b) as alternate routes for operating convenience only, in connection with carrier's presently authorized regular-route operations, serving no intermediate points; (6) *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); Between El Paso, Tex. and Kansas City, Mo.: From El Paso, Tex. over U.S. Highway 54 to Wichita, Kans., thence over Interstate Highway 35 to Kansas City, Mo. and return over the same route, as an alternate route for operating convenience only, in connection with carrier's presently authorized regular-route operations, serving no intermediate points; (7) *general commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission commodities in bulk, automobiles, coal, sand, gravel, portland cement, and commodities requiring special equipment); Between Kansas City, Mo. and Chicago, Ill.: From Kansas City over Interstate Highway 70 to junction Interstate Highway 70 and Interstate Highway 270 at or near Wentzville, Mo., thence over Interstate Highway 270 to junction Interstate Highway 270 and Interstate Highway 70, east of St. Louis, Mo., thence over Interstate Highway 70 to junction of Interstate Highway 70 and Interstate Highway 57, thence over Interstate Highway 57 to Chicago, Ill. and return over the same route, as an alternate route for operating convenience only in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving Kansas City, Mo. for purposes of joinder only; and

(8) *General commodities* (except those of unusual value, household goods as defined by the Commission, explosives, inflammable articles, livestock and commodities in bulk); Between Chicago, Ill. and Evansville, Ind.: From Evansville, Ind. over U.S. Highway 41 to junction of U.S. Highway 41 and Indiana Highway 63, at or near Clinton, Ind., thence over Indiana Highway 63 to junction Indiana Highway 63 and U.S. Highway 41, at or near Carbondale, Ind., thence over U.S. Highway 41 to Chicago, Ill. and return over the same route, as an alternate route for operating convenience only in connection with carrier's presently authorized regular-route operations, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lubbock or Dallas, Tex.

No. MC 41404 (Sub-No. 119), filed November 18, 1974. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, P.O. Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Mark L. Horne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the facilities of Green Giant Company at Tucker, Ga., to points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, restricted to shipments originating at the named origin and destined to the named destinations.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn. or Chicago, Ill.

No. MC 51146 (Sub-No. 409), filed December 18, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waste paper and scrap paper*, from points in Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Ohio, Kentucky, Indiana, Illinois, those in that part of Alabama on and north of U.S. Highway 78, those in Michigan on and south of Michigan Highway 21, Mississippi, Louisiana, Arkansas, Missouri, Texas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, New Mexico, Arizona, Colorado, Wyoming, Utah, New York on and east of U.S. Highway 11, Memphis, Tenn., Mobile, Ala., and points in the District of Columbia, to West Carrollton, Ohio; (2) *paper and paper products*, from West Carrollton, Ohio, to East St. Louis, Ill. and points in Illinois on and south of U.S. Highway 460, Georgia and Florida; and (3) *materials and supplies* used in the manufacture or distribution of paper and paper products, from Memphis, Tenn., Mobile, Ala., Baltimore, Md., East St. Louis, Ill. and points in Illinois on and south of U.S. Highway 460, those in Alabama on and north of U.S. Highway 78, North Carolina, South Carolina, Georgia and Florida, to West Carrollton, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 411), filed December 23, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household and commercial appliances*, and *parts, accessories and attachments* for household and commercial appliances, from Searcy, Ark., to Bensenville, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 412), filed December 23, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, Green Bay, Wis. 54304. Applicant's rep-

resentative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsite and storage facilities of Heinz, U.S.A. at Muscatine, Iowa, and the distribution center site of Heinz, U.S.A. at Iowa City, Iowa, to points in Illinois, Missouri, and Kansas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 413), filed December 30, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, publications,* and *exempted printed matter*, as described in Section 203(B)(7) of the Act, as amended, when transported at the same time and in the same vehicle with printed matter, and *materials, supplies* and *equipment* used in the maintenance and operation of printing plants: (1) between the plant site of the R. R. Donnelly & Sons Company at Warsaw, Ind., on the one hand, and, on the other, points in Minnesota, Iowa, Wisconsin, Michigan, Missouri, Illinois, Indiana, Kentucky, Ohio, West Virginia, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, Rhode Island, Connecticut, New York, Masachusetts, Vermont, New Hampshire, Maine, and the District of Columbia; and (2) between the plant site of the Perry Printing Corporation at Waterloo, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52460 (Sub-No. 161), filed December 18, 1974. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th, St., Tulsa, Okla. 74107. Applicant's representative Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plantsite and storage facilities utilized by Glover, Inc. of Roswell, New Mexico, to points in Oklahoma, Kansas, Missouri, Arkansas, Tennessee, Mississippi, Louisiana, Alabama, Georgia and Florida, restricted to traffic originating at the plantsite and facilities of Glover, Inc. and destined to points in the named states.

NOTE.—If a hearing is deeemd necessary, the applicant requests it be held at Amarillo and Dallas, Tex.

No. MC 52704 (Sub-No. 119), filed December 11, 1974. Applicant: GLEN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from LaFayette, Ala., to points in South Carolina.

NOTE.—Applicant states that it intends to tack the requested authority with its existing authority in MC-52704 at LaFayette, Ala. to provide a through service from points in Alabama, to points in South Carolina. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 57239 (Sub-No. 26), filed December 16, 1974. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, Indianapolis, Ind. 46206. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Firestone Tire & Rubber Co. near Nashville, Tenn., in connection with applicant's authorized regular route operations to and from Nashville, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky. or Washington, D.C.

No. MC 59488 (Sub-No. 42), filed December 19, 1974. Applicant: SOUTHWESTERN TRANSPORTATION COMPANY (SWT), a corporation, 7600 South Central Expressway, Dallas, Tex. 75216. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, Tex. 75701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Arnold, Mo., as an off-route point in connection with applicant's present regular-route authority to and from St. Louis, Mo. over Interstate Highway 55 and U.S. Highways 61 and 67.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 59583 (Sub-No. 145) (amendment), filed Sept. 17, 1974, published in the FEDERAL REGISTER issue of October 17, 1974 and republished as amended this issue. Applicant: THE MASON AND DIXON LINES, INCORPORATED, Eastman Road, P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), serving the plantsite of Western Electric Company, at New York State Highway 422 and Maple Street, Elma Township, (Erie County) N.Y., as an off-route point in connection with applicant's authorized regular-route operations.

NOTE.—The purpose of this republication is to amend the location of the Western Electric Company plantsite. Common control was approved in MC-F-6347. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 61396 (Sub-No. 276), filed December 23, 1974. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Omaha, Nebr., to Enid, Okla.; Lawrence, Kans.; Fort Dodge, Iowa; and Sioux City, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 61592 (Sub-No. 333), filed December 13, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats, boat parts, boat trailers, boat accessories and advertising material* when moved in mixed in loads with boats (except commodities in bulk), between Boston, Mass., Freeport, N.Y., points in Brevard, Palm Beach, Dade, Lee, Hillsborough and Bay Counties, Fla.; Dickson, Tenn.; Goshen and New Paris, Ind.; Lucas, Ottowa, Erie, points in Lorain and Cuyahoga Counties, Ohio; Oxford, Mich.; Phoenix, Ariz.; and points in San Diego, Riverside, and Los Angeles Counties, Calif. on the one hand, and, on the other, points in Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 61592 (Sub-No. 335), filed December 19, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Rural Route 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, foods, and food materials* (except commodities in bulk), from Mobile, and points in Mobile County, Ala., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 61592 (Sub-No. 336), filed December 23, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Rural Route 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and metal*, between points in Michigan, Ohio, Illinois, and Indiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 63792 (Sub-No. 23), filed December 23, 1974. Applicant: TOM HICKS TRANSFER COMPANY, INC., P.O. Box 16006, 3838 Majestic St., Houston, Tex. 77022. Applicant's representative: C. W. Ferebee, 710 N. Post Oak, Suite 515, Houston, Tex. 77024. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flexifloats, sectional barges and their parts and accessories*, between Harris County, Tex., Atlanta, Ga., and Ft. Wayne, Ind., on the one hand, and, on the other, points in Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Indiana, Ohio, Texas, Mississippi, Louisiana, Arkansas, Kentucky, Tennessee, Alabama, Georgia, and Florida, restricted to traffic originating at or destined to the plant site and storage facilities of Robishaw Engineering, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, or Dallas, Tex.

No. MC 64932 (Sub-No. 543), filed December 26, 1974. Applicant: ROGERS CARTAGE CO., a corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crude oil*, in bulk, in tank vehicles, from points in Illinois, to Littleton, Colo.; and (2) *sulphonate*, in bulk, in tank vehicles, from Littleton, Colo., to points in Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Denver, Colo.

No. MC 69116 (Sub-No. 171), filed November 27, 1974. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill., 60606. Applicant's representative: Jack Goodman, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Decatur, Ill. and the junction of U.S. Highway 51 and Illinois Highway 15: From Decatur over U.S. Highway 51 to junction Illinois Highway 15, and return over the same route, serving no intermediate points, and serving the junction of U.S. Highway 51 and U.S. Highway 40 and the junction of U.S. Highway 51 and Illinois Highway 15 for joinder purposes only, as an alternate route for operating convenience only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 95540 (Sub-No. 921), filed December 16, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, articles of unusual value, and commodities the transportation of which by reason of size or weight require the use of special equipment, motor vehicles and boats), serving LaGrange and Pine Mountain, Ga. as off-route points in connection with its authorized regular route operations from and/or to Columbus, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Columbus or Atlanta, Ga.

No. MC 103993 (Sub-No. 847), filed December 16, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Redwood County, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 105566 (Sub-No. 107), filed December 18, 1974. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Projectors*, motion or still picture; films, not exceeding 35 MM; *electrical appliances or instruments*, not otherwise indexed; *recordings*, tape and disc; *recorders or players; sets*, vision receiving, and phonographs *school blanks or forms; books*, not otherwise indexed; *books*, NOI with paper or paperboard covers; *kits or sets*, visual teaching or visual control, other than optical instruments; *paraphernalia*, exhibition or show; and *pallets*, from Hightstown, N.J. and Manchester, Mo., to Novato, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or St. Louis, Mo.

No. MC 106398 (Sub-No. 723), filed December 16, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Tishomingo County, Miss., to points in Alabama, Georgia, Florida, Tennessee, Arkansas, Kentucky, and Louisiana.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 106485 (Sub-No. 16), filed December 18, 1974. Applicant: LEWIS TRUCK LINES, INC., Lisbon, N. Dak. 58054. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Fargo, N. Dak., and Oakes, N. Dak., serving all intermediate points and the off-route points of Walcott, Colfax, Galchutt, Mooretown Barney and Great Bend, N. Dak.; From Fargo, N. Dak., over U.S. Highway 81 to Fairmont, N. Dak., thence over North Dakota Highway 11 to junction North Dakota Highway 1, thence over North Dakota Highway 1 to Oakes, N. Dak., and return over the same route, restricted against the transportation of traffic originating at or destined to points located in Minnesota within the Commercial Zones of Fargo and Wahpeton, N. Dak.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Wahpeton or Fargo, N. Dak.

No. MC 106497 (Sub-No. 105), filed December 23, 1974. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912, Business Route I–44 East, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushers, crusher attachments, crusher parts, crusher attachment parts, and equipment used in conjunction with crushers*, from points in Lane County, Oreg., to points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif. or Portland, Oreg.

No. MC 106497 (Sub-No. 107), filed December 30, 1974. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912, Business Route I–44 East,

Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas, or liquids; (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas or liquids; and (3) *parts, attachments and accessories* for use in the installation and operation of the items in (1) and (2) above, from points in Fayette County, Ky., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky. or St. Louis, Mo.

No. MC 106674 (Sub-No. 149), filed December 23, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, machinery* and *Parts, accessories and attachments* therefor as are dealt in by wholesale and retail recreational, lawn and garden equipment supply stores and dealers, from Evansville, Ind., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Texas, restricted to traffic originating at the plantsite and warehouse facilities of Hahn, Inc., at Evansville, Ind., and destined to the named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 106775 (Sub-No. 37), filed December 19, 1974. Applicant: ATLAS TRUCK LINE, INC., P.O. Box 9848, Houston, Tex. 77015. Applicant's representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos pipe, and plastic pipe*, from the plantsite of Cement Asbestos Products Company, located at or near Van Buren, Ark., to points in Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Houston, or Dallas, Tex.

No. MC 107002 (Sub-No. 465), filed December 13, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123 (U.S. Highway 80 West), Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Michigan and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 107743 (Sub-No. 31), filed December 13, 1974. Applicant: SYSTEM TRANSPORT, INC., E. 6523 Broadway, P.O. Box 3456TA, Spokane, Wash. 99220. Applicant's representative: S. J. Cully, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products, and millwork*, (1) from points in California, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Illinois, Wisconsin, Ohio, Missouri, Indiana, and Michigan; and (2) from points in Oregon, Washington, and Idaho, to points in Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Spokane, or Seattle, Wash., or Portland, Oreg.

No. MC 108341 (Sub-No. 36), filed December 30, 1974. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building, earth moving, construction equipment, and cranes; self propelled articles*, each weighting 15,000 pounds or more; and *related machinery, tools, parts, and supplies* moving in connection therewith, from Shady Grove, Pa., and points in Horry County, S.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held on consolidated record with other similar applications at Washington, D.C.

No. MC 108449 (Sub-No. 382), filed December 23, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied ethylene*, in cryogenic trailers, from the plantsite of Northern Petrochemical Company at Morris, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Wisconsin, and West Virginia.

NOTE.—Common conrtol may be involved. If a hearing is deemed necessary, applicant requests it be held at either St. Paul, Minn., or Chicago, Ill.

No. MC 108676 (Sub-No. 76), filed December 16, 1974. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: William T. McManus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Junk motor vehicles, compacted and crushed motor vehicles, bodies, engines and parts, and recycled non-ferrous and ferrous articles, and materials and supplies* used in the production of recycled metal articles and recycled materials (except commodities in bulk, in tank or dump vehicles), between points in Iowa, Wisconsin, Missouri, Oklahoma, Michigan, Texas, and points in the U.S. east thereof, on the one hand, and, on the other, Huntsville, Ala., Knoxville and Chattanooga, Tenn., and Atlanta, Ga., restricted to shipments originating at or destined to the facilities of Shredded Steel Products Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Knoxville, Tenn.

No. MC 110683 (Sub-No. 105), filed December 19, 1974. Applicant: SMITH'S TRANSFER CORPORATION, a Corporation, P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Allegany County, Md., as off-route points in connection with carrier's existing regular route authority to serve Cumberland, Md.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111545 (Sub-No. 206), filed December 23, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Rd., Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antipollution equipment and supplies* and *refuse handling and treatment equipment* and *supplies*, from points in Washington County, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Washington, D.C.

No. MC 111545 (Sub-No. 207), filed December 23, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radioactive waste materials, supplies and equipment, tools and containers* used therewith; and (2) *non-radioactive waste, materials supplies and equipment, tools and containers* used therewith, between nuclear burial or disposal plants at or near Barnwell, S.C., Richland, Wash., Beatty, Nev., Morehead, Ky., Sheffield, Ill., and West Valley, N.Y., on the one hand, and, on the other, points in

the United States (except Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 111729 (Sub-No. 487), filed December 13, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, (a) between Charlottesville, Va., on the one hand, and, on the other, points in Asheboro, Catawba, Eden, Elkin, Granite Falls, Hickory, Hillsboro, Madison, Mocksville, Mt. Airy, North Wilkesboro, Pilot Mountain, Ramseur, Roxboro, Troy, Valdese, West Jefferson, and Walkertown, N.C.; (b) between Charlotte, N.C., on the one hand, and, on the other, points in Bristol, Chattanooga, Johnson City, Kingsport, and Knoxville, Tenn.; (c) between Cleveland, Ohio, on the one hand, and, on the other, Wilkes-Barre, Pa., Clay and Fayetteville, N.Y.; (d) between Counce, Tenn., on the one hand, and, on the other, points in Alabama and Mississippi, north of U.S. Highway 20; and (e) between Lexington, Ky., on the one hand, and, on the other, Craigsville and Holden, W. Va., and Keen Mountain, Va.; (2) *office supplies*, restricted against the transportation of packages or articles weighing in the aggregate more than 50 pounds from one consignor to one consignee on any one day, (a) between Charlottesville, Va., on the one hand, and, on the other, Asheboro, Catawba, Eden, Elkin, Granite Falls, Hickory, Hillsboro, Madison, Mocksville, Mt. Airy, North Wilkesboro, Pilot Mountain, Ramseur, Roxboro, Troy, Valdese, West Jefferson, and Walkertown, N.C.; (b) between Charlotte, N.C., on the one hand, and, on the other, Bristol, Chattanooga, Johnson City, Kingsport, and Knoxville, Tenn.; (3) *critical replacement parts* relative to the telephone industry, restricted against the transportation of packages or articles weighing in the aggregate more than 50 pounds from one consignor to one consignee on any one day, between Charlottesville, Va., on the one hand, and, on the other, Asheboro, Catawba, Eden, Elkin, Granite Falls, Hickory, Hillsboro, Madison, Mocksville, Mt. Airy, North Wilkesboro, Pilot Mountain, Ramseur, Roxboro, Troy, Valdese, West Jefferson, and Walkertown, N.C.; (4) *ophthalmic goods*, between Cleveland, Ohio, on the one hand, and, on the other, Wilkes-Barre, Pa., Clay and Fayetteville, N.Y.; (5) *emergency replacement parts*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Cumberland, Md., Cleveland, Cincinnati, Columbus, Dayton, Hopedale, Toledo, Youngstown, Ohio, Monroeville, Pa., Coeburn, Norfolk, Richmond, Salem, Va., Bluefield, Clarksburg, Parkersburg, St. Albans, W. Va.; and (6) *exposed and processed film and prints complimentary, replacement film, incidental dealer handling supplies, and advertising material moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), between Memphis, Tenn., on the one hand, and, on the other, points in Missouri, south of Interstate Highway 70.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 488), filed Dec. 16, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Peter A. Greene, 1625 K St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory samples, and specimens of all kinds, consisting of blood and urine; tissues and cells, such as brain and skin; feces, sera and carcasses, limited to small animals or birds such as chickens and baby pigs; cultures, media for cultures, biological research products, vectors (insects), vaccines, antigens, parasites (animal), and chemicals*, as needed in diagnostic procedures, (1) between Orient Point, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; (2) between Ames, Iowa, on the one hand, and, on the other, points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin; (3) between Beltsville, Md., on the one hand, and, on the other, points in Delaware, New Jersey, New York, Pennsylvania, Virginia, and West Virginia; and (4) between points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic having an immediately prior or subsequent movement by air, originating from or destined to Orient Point, N.Y., Ames, Iowa, and Beltsville, Md.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111940 (Sub-No. 63), filed December 18, 1974. Applicant: SMITH'S TRUCK LINES, a Corporation, P.O. Box 88, Muncy, Pa. 17756. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *petroleum wax, petroleum tar, oil emulsions, fuel oil treating compounds, petroleum vehicle body sealers or sound deadeners, compounded oil and greases and lubricating greases, iron and steel rust-preventing or removing compound* (other than petroleum), in containers, and *related advertising materials and supplies;* (A) From Emlenton, Pa., to points in Delaware, Maryland, Virginia, Rhode Island, and the District of Columbia; and (B) From Petrolia, Pa., to points in New Jersey, New York, and Maryland.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 112304 (Sub-No. 88), filed December 23, 1974. Applicant: ACE DORAN HAULING AND RIGGING CO., a Corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (Same address of applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Railway track materials*, between points in Wayne County, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 360), filed December 19, 1974. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes, and potato products*, from the plantsite of American Potato Co., at Plover, Wis., to points in Arizona, California, Colorado, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming, restricted to traffic originating at the named origin and destined to the named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 113651 (Sub-No. 179), filed Dec. 19, 1974. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Suite 1000, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such materials, as are utilized by animal food manufacturers*, from Quimby, Iowa, to points in Pennsylvania, Massachusetts, Ohio, Louisiana, South Carolina, Nebraska, Missouri, Wisconsin, Kansas, Indiana, Illinois, and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113678 (Sub-No. 575), filed Dec. 24, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Glover Packing Co., at or near Roswell, N. Mex., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Albuquerque, N. Mex.

No. MC 113828 (Sub-No. 225), filed December 16, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and limestone products*, in bulk, from Kimballton, Va., to points in Pennsylvania, Delaware, Indiana, Ohio, Tennessee, Kentucky, and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 305), filed December 16, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road building, road maintenance, and construction machinery and equipment;* (2) *attachments*, for (1) above; and (3) *parts*, for (1) and (2) above, from the plant and warehouse sites of Blaw-Knox Construction Equipment, Inc., at or near Mattoon, Ill., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 414), filed December 20, 1974. Applicant: TRANS COLD-EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Fulton and Oswego, N.Y., to points in California and Oregon.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held either at New York, N.Y., or Washington, D.C.

No. MC 114457 (Sub-No. 216), filed December 13, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from St. Louis, Mo., to points in Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Wisconsin, Illinois, Indiana, Michigan, and Ohio, restricted to traffic originating at the facilities utilized by P. V. O. International, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis-St. Paul, Minn., or St. Louis, Mo.

No. MC 114457 (Sub-No. 217), filed December 23, 1974. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk), from Cincinnati and Norwood, Ohio, to points in Illinois, Kansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis-St. Paul, Minn., or Chicago, Ill.

No. MC 114533 (Sub-No. 315), filed December 18, 1974. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, medical isotopes, and medical test kits*, (1) between St. Louis, Mo., on the one hand, and, on the other, points in Douglas, Johnson, Shawnee, and Wyandotte Counties, Kans., and points in Nebraska; and (2) between points in Kansas, Nebraska, and Missouri, restricted to traffic having a prior and subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Washington, D.C.

No. MC 114632 (Sub-No. 81) (Correction) filed November 25, 1974, published in the FEDERAL REGISTER issue of December 19, 1974, and republished as corrected, this issue. Applicant: APPLE LINES, INC., 212 SW. Second, Madison, S. Dak. 57042. Applicant's representative: Robert A. Appelwick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flattened car bodies, scrap iron, and solid waste*, from points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota, to points in Illinois, Indiana, Minnesota, and Wisconsin.

NOTE.—The purpose of this republication is to correctly state the applicant's docket number as MC 114632 (Sub-No. 81). If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 115594 (Sub-No. 19), filed December 19, 1974. Applicant: HOLLOWAY MOTOR EXPRESS, INC., P.O. Box 2337, East Gadsden, Ala. 35903. Applicant's representative: W. Randall Tye, 1400 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Winding cores, discs, cones, reels, and materials* used in packing and wrapping tire fabric, between the plant sites of Goodyear Tire & Rubber Co. at or near Scottsboro, Ala., and Topeka, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 115646 (Sub-No. 5), filed December 27, 1974. Applicant: BRINK'S CANADA LIMITED, 190 Shannon Street, Montreal, Quebec, Canada. Applicant's representative: John G. O'Keefe, O'Hare Plaza, Suite 650, 5725 East River Road, Chicago, Ill. 60631. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canadian Olympic coins*, from ports of entry on the International Boundary line between the United States and Canada located at or near Ogdensburg, N.Y., and Thousand Island Bridge, N.Y., to Ogdensburg, Watertown, and Syracuse, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 115841 (Sub-No. 494), filed December 23, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 105 Vulvan Road, Suite 200, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Rober M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except meat, meat products, meat by-products, dairy products, articles distributed by meat packinghouses, frozen foods, and commodities in bulk), from Bridgeport and Imlay City, Mich., to points in Arizona, New Mexico, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 117068 (Sub-No. 36), filed December 9, 1974. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled vehicles*, each weighing less than 15,000 pounds (except automobiles, trucks, and buses, and restricted to commodities moving on trailers), *fertilizer spreaders, and solid waste compactors*, from Yankton, S. Dak., and Benson, Minn., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Yankton, S. Dak., and Benson, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Chicago, Ill.

No. MC 117119 (Sub-No. 520), filed December 9, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Good Humor Corporation, at Chicago, Ill., to points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, restricted to traffic originating at the named facilities and destined to the above named points.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 117119 (Sub-No. 522), filed December 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Denver, Colo., to points in California, Nevada, Arizona, Arkansas, Illinois, Missouri, Ohio, South Carolina, North Carolina, New York, New Jersey, Pennsylvania, and the District of Columbia, restricted to shipments originating at Denver, Colo., and destined to the above destination points.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Kansas City, Mo.

No. MC 117940 (Sub-No. 155), filed December 18, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representatives: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, and *equipment, utensils, and supplies* used in the conduct of such business (except commodities in bulk and foodstuffs), from the facilities of J. C. Penney Company, Inc., at or near Ridgefield, N.J., to Minneapolis, Minn., Milwaukee, Wis., Chicago, Ill., St. Louis, Mo., Kansas City, Mo., and Denver, Colo.

NOTE.—Applicant holds contract carrier authority in MC 114789 Sub 1 and Subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary applicant requests it be held at either New York, N.Y., or Minneapolis, Minn.

No. MC 118142 (Sub-No. 85), filed December 12, 1974. Applicant: M. BRUENGER & CO., INC., 6250 N. Broadway, Wichita, Kans. 67219. Applicant's representative: M. Bruenger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and commodities*, exempt from economic regulation under Section 203 (b)(6) of the Act, when transported in mixed loads with bananas, from New Orleans, La., to points in Arizona, California, Colorado, Kansas, Missouri, Nevada, New Mexico, Oklahoma, Texas, and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans., or New Orleans, La.

No. MC 118159 (Sub-No. 155), filed November 27, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooking oil, animal litter, and chopped alfalfa*, (1) from Atlanta, Ga., to points in Alabama, points in those parts of Kentucky and Tennessee west of U.S. Highway 431, points in that part of Louisiana east of the Mississippi River, points in that part of Arkansas on and east of a line beginning at the Arkansas-Missouri State line near Corning, Ark., and extending southwesterly along U.S. Highway 67 to junction U.S. Highway 65 at or near North Little Rock, Ark., thence along U.S. Highway 65 southeasterly to the Arkansas-Louisiana State line near Readland, Ark. (except Little Rock, Ark., and points in its commercial zone as defined by the Commission), authorized; and (2) from Houston, Tex., to points in Arkansas, Louisiana, and Mississippi. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118159 (Sub-No. 156), filed December 24, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1931 N. Sheridan Road, Tulsa, Okla. 74151. Applicant's representative: Charles W. Singer, 2440 E. Commercial Blvd., Fort Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose materials and products, and paper and paper products* (except commodities in bulk), and *materials and supplies* (except commodities in bulk) used in the manufacture or distribution of cellulose materials and products and paper and paper products, between Oppelo, Ark. and Fort Worth, Tex., on the one hand, and, on the other, points in Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Kentucky, Tennessee, Georgia, Florida, Alabama, Mississippi, and those points in Illinois and Indiana south of U.S. Highway 36.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119226 (Sub-No. 90), filed December 30, 1974. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compounds*, liquid, in bulk, in tank vehicles, from Lafayette, Ind., to points in Illinois and Iowa.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., Chicago, Ill., or Washington, D.C.

No. MC 119390 (Sub-No. 16), filed November 20, 1974. Applicant: MAIRS TRANSPORT LTD., 976 Adair Avenue, Coquitlam, British Columbia, Canada. Applicant's representative: George R. LaBissoniere, P.O. Box 88968, Tukwila Branch, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plasterboard, joint compound material*, in sacks or cans, between Seattle, Wash. and the port of entry on the International Boundary line between the United States and Canada at or near Blaine, Wash.; and *empty cans* on return; (2) *roofing granules*, in bulk, between Bellingham and Tacoma, Wash., on the one hand, and, on the other, the port of entry on the International Boundary line between the United States and Canada at or near Blaine, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 119630 (Sub-No. 13), filed December 23, 1974. Applicant: VAN TASSEL, INCORPORATED, 5th and Grand, Pittsburg, Kans. 66762. Applicant's representative: Dean Williamson, 280 National Foundation Life Building, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pre-fabricated buildings*, complete, knocked down, or in sections, from

Oswego, Kans., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), from points in Illinois, Indiana, Maryland, Missouri, Ohio, and Pennsylvania, to Oswego, Kans.

NOTE.—Applicant holds contract carrier authority in MC 115036 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119726 (Sub-No. 48), filed December 19, 1974. Applicant: N. A. B. TRUCKING CO., INC., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shower bath stalls, plastic, with or without frames or door, with or without receptors, set up, and plastic bath tubs and accessories*, from the plantsite and facilities of Powers Flat Corporation located at or near Monroe, Ohio, to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Pennsylvania, Kentucky, West Virginia, Maryland, Virginia, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 119777 (Sub-No. 312), filed December 12, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products and jointing compounds* (except those moving in bulk in tank vehicles), (1) from Cannelton, Ind., and Owensboro, Ky., to points in West Virginia; (2) from Des Moines, Ottumwa, Mason City, and Redfield, Iowa, to points in Wisconsin, Ohio, Kentucky, Arkansas, Missouri, Illinois, Indiana, and the Lower Peninsula of Michigan, Tennessee, and Texas; (3) from Mineral Wells, Tex., to points in Alabama, Louisiana, Oklahoma, Arkansas, Mississippi, Missouri, Iowa, Indiana, Illinois, Kentucky, Tennessee, and Ohio; and (4) from Uhrichsville, Ohio, to points in Indiana, Kentucky, Illinois, Iowa, Wisconsin, Tennessee, the Lower Peninsula of Michigan, Texas, and Missouri.

NOTE.—Applicant holds contract carrier authority in MC 126970 Sub 1 and 2 therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Nashville, Tenn.

No. MC 119983 (Sub-No. 73), filed December 13, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from the plantsite and storage facilities of Field's, Inc., located at Pauls Valley, Okla., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the named plantsite and storage facilities.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 121630 (Sub-No. 3), filed December 16, 1974. Applicant: LEMORE TRANSPORTATION, INC., 1420 Industrial Park, P.O. Box 6085, Concord, Calif. 94524. Applicant's representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry general commodities*, in bulk, in dump, hopper or similar type of equipment (except earth, sand, loam, gravel, stone, cement, asphalt, cement or asphalt mixes), between points in Solano, Contra Costa, and Alameda Counties, Calif., on the one hand, and, on the other, Pittsburg, Benicia, Selby, Richmond, Oakland, and Alameda, Calif.; and (2) *general commodities*, (except (a) used household goods and personal effects not packed in accordance with the crated property requirements; (b) livestock; (c) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; (d) liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (e) earth, sand, loam, gravel, stone, cement, asphalt or cement or asphaltic mixes when transported in bulk in dump trucks or in hopper-type trucks; (f) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (g) logs; and (h) fresh fruits and vegetables), between points in San Francisco, Alameda, and Contra Costa Counties, Calif.; San Mateo County, Calif., on and east of California Highway 82; Santa Clara County, Calif., on and north and west of California Highways 17 and 82; and Solano County, Calif., on and south of Interstate Highway 680, restricted to the transportation of shipments having a prior or subsequent movement by water to or from San Francisco, Calif.

NOTE.—By instant application, applicant seeks to convert its Certificates of Registration No. MC 121630 Sub-No. 1 to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 123061 (Sub-No. 73), filed December 9, 1974. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 400 El Paso Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feeds and feed ingredients*, in bags and in bulk, from points in Idaho, to points in Nevada, Wyoming, Montana, and Oregon.

NOTE.—Applicant intends to tack the above route extension to its existing authority in MC 123061 (Sub-No. 60), at Pendleton, Oreg. to provide a through service from points in Idaho, to points in Washington. If a hearing is deemed necessary, the applicant requests it be held at either Pocatello, Idaho or Salt Lake City, Utah.

No. MC 123407 (Sub-No. 215), filed December 12, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and poultry feed* (except in bulk, in tank or hopper-type vehicle), from Chicago Heights, Ill., to points in Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 123407 (Sub-No. 216), filed December 13, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Squart, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from the plantsite and warehouse facilities of Guardian Industries, located at Carleton, Mich., to points in Washington, Oregon, California, Nevada, Arizona, Utah, and Idaho.

NOTE.—Common control may be involved. If a hearing is deemed necessary the applicant requests it be held at either Detroit, Mich., or Washington, D.C.

No. MC 123407 (Sub-No. 217), filed December 23, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated posts, poles and lumber, and materials* used in the manufacture of wood products and paper products, from points in Sheridan County, Wyo., to points in South Dakota, North Dakota, Montana, Nebraska, Utah, Colorado, Kansas, Arizona, New Mexico, Oklahoma, Texas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Kentucky, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 123407 (Sub-No. 218), filed December 23, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind.

46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control was approved in MC-FC-7184. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 124212 (Sub-No. 80), filed December 19, 1974. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, Ohio 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen, liquid nitrogen, liquid argon, and compressed gases*, in bulk, in shipper owned or controlled trailers, between points in Michigan, Indiana, Ohio, Kentucky, Tennessee, Virginia, West Virginia, Pennsylvania, and New York.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124692 (Sub-No. 143), filed December 16, 1974. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: Gene Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and siding, and roofing and siding materials and supplies*, from Portland, Oreg. and Wilmington and Martinez, Calif., to points in Oregon, Washington, Idaho, Montana, Utah, Wyoming, Colorado, Nevada, Arizona, and California, restricted to traffic originating at the facilities of Bird and Son, Inc. at the above named origins.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif., or Portland, Oreg.

No. MC 124951 (Sub-No. 33), filed December 12, 1974. Applicant: WATHEN TRANSPORT, INC., P.O. Box 237, Henderson, Ky. 42420. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay Products and jointing compounds* (except those moving in bulk, in tank vehicle), (1) from Cannelton, Ind. and Owensboro, Ky., to points in Alabama, Arkansas, Georgia, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Virginia, West Virginia, and Wisconsin; (2) from Des Moines, Ottumwa, Mason City, and Redfield, Iowa, to points in Wisconsin, Ohio, Kentucky, Illinois, Inidana, Missouri, Arkansas, and the Lower Peninsula of Michigan, Tennessee, and Texas; (3) from Mineral Wells, Tex., to points in Alabama, Louisiana, Oklahoma, Arkansas, Mississippi, Missouri, Iowa, Indiana, Illinois, Kentucky, Tennessee, and Ohio; and (4) from Uhrichsville, Ohio, to points in Indiana, Illinois, Iowa, Kentucky, Tennessee, Wisconsin, the lower Peninsula of Michigan, Texas, and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Nashville, Tenn.

No. MC 125162 (Sub-No. 9), filed December 23, 1974. Applicant: CROWN TRUCK LINE, INC., 3811 Broadway, Macon, Ga. 31206. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete shapes and forms*, from the facilities of Prestressed Systems, Inc. located at or near Henry County, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee; and (2) *cooling tower sections*, from the facilities of Ecodyne Corp. located at Henry County, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 126305 (Sub-No. 67) (Correction), filed Nov. 19, 1974, published in the FEDERAL REGISTER issue of Dec. 19, 1974, and republished as corrected this issue. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. I, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spheres, highway marking strip glass, ballotini and glass*, crushed, ground, and powdered, from the facilities of Potters Industries, Inc., at Apex, N.C., to points in Kentucky, Arkansas, Virginia, Tennessee, North Carolina, South Carolina, Georgia, and Louisiana; and (2) *materials and supplies*, used in the manufacture and sale of glass spheres, and *glass spheres* (except in bulk, in tank vehicles), from points in Louisiana, Georgia, South Carolina, North Carolina, Tennessee, Virginia, Arkansas, and Kentucky, to the facilities of Potters Industries, Inc., at Apex, N.C.

NOTE.—The purpose of this republication is to indicate applicant's correct name. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 126899 (Sub-No. 82), filed December 23, 1974. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3051, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials*, from Chicago, Ill., to points in Kentucky, Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, and Wisconsin; and *empty malt beverage containers*, on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill. or Louisville, Ky.

No. MC 128270 (Sub-No. 11), filed Dec. 18, 1974. Applicant: REDIEHS INTERSTATE, INC., 7869 Milton Road, Gary, Ind. Applicant's representative: Richard A. Kerwin, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crates, towers, water cooling, air conditioners, with and without blowers and fans;* and (2) *crates, condensers, equalizers, exchangers, pipe type*, between the plantsite of Baltimore Aircoil Company, at Paxton, Ill., on the one hand, and, on the other, points in Indiana, Michigan, Wisconsin, Missouri, Iowa, Nebraska, and Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128762 (Sub-No. 11), filed December 19, 1974. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, Pa. 18603. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum materials and products, and parts and accessories therefor*, and *materials, supplies and equipment* used in the manufacture, production and distribution of aluminum materials and products, and parts and accessories therefor (except liquids in bulk), between Decatur, Ala., Loveland, Colo., Ocala and Plant City, Fla., Jonesboro and Peach Tree City, Ga., Chicago and Morris, Ill., Bristol, Elkhart, and Franklin, Ind., McPherson, Kans., Frederick, Md., Niles, Mich., Montevideo, Minn., Hernando, Miss., Reidville, N.C., Dayton, Ohio, Tulsa, Okla., Bloomsburg, Pa., Mansfield, Tex., Harrisonburg, Va., and Marshfield, Wis., on the one hand, and, on the other, points in the United States east of Idaho, Utah, and Arizona (except Alaska); and (2) *zinc and aluminum*, from Fort Scott, Kans., Chicago, Ill., Cleveland, Ohio, and Checotah, Okla., to points in the United States east of Idaho, Utah, and Arizona (except Alaska); and (3) *aluminum*, from Morris, Ill., to points in the United States east of Idaho, Utah, and Arizona (except Alaska), restricted (a) to shipments either originating at or destined to the plantsites or facilities of Amax Aluminum Company, Inc. or its facilities; and (b) to a transportation service to be performed under a continuing contract or contracts with Amax Aluminum Company, Inc. or its affiliates.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 129332 (Sub-No. 2), filed December 23, 1974. Applicant: RICHARD M. BAAR, doing business as, DICK BAAR

TRUCKING, P.O. Box 828, Dickinson, N. Dak. 58601. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and articles* dealt in by malt beverage distributors, from St. Paul, Minn. and Milwaukee, Wis., to Dickinson and Hettinger, N. Dak., under a continuing contract or contracts with Jerome's, Inc.; and (2) *cheese*, from Dickinson, N. Dak., to Plymouth, Wis., under a continuing contract or contracts with Dickinson Cheese Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fargo, N. Dak. or Billings, Mont.

No. MC 133119 (Sub-No. 63), filed December 19, 1974. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act when transported in mixed loads with bananas, from Galveston, Tex., to points in Minnesota, Montana, North Dakota, South Dakota, and Wisconsin, restricted to traffic having in immediate prior movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Omaha, Nebr. or Miami, Fla.

No. MC 133689 (Sub-No. 57), filed December 18, 1974. Applicant: OVERLAND EXPRESS, INC., 651 First St. SW., New Brighton, Minn. 15112. Applicant's rephesentative: Robert P. Sack, P.O. Box 6010, W. St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, and confectionery products, and related articles*, from the plantsite and storage facilities of Peter Paul, Inc., located at or near Frankfort, Ind., to points in Iowa, Kansas, Minnesota, Missouri, and Nebraska, restricted to shipments originating at the above indicated origins, and destined to the points named above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 134323 (Sub-No. 69), filed December 19, 1974. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 4146, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, 521 South 14th St., P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, articles distributed by meat packinghouses, and such commodities*, as are used by meat packers in the conduct of their business, between Wichita, Kans., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with MBPXL Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Amarillo, Tex.

No. MC 134477 (Sub-No. 86), filed December 18, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, 33 E. Wentworth, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, as is dealt in by wholesale and retail department stores* (except foodstuffs and commodities in bulk), and in connection therewith, *materials and supplies*, used in the conduct of such business, from Seattle and Tacoma, Wash., and Portland, Oreg., to the facilities of World-Wide, Inc., and Erickson Petroleum Co., at Minneapolis-St. Paul, Minn., and points in their Commercial Zone as defined by the Commission, restricted to import traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 87), filed December 18, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, 33 E. Wentworth, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cloth and fabric*, made of cotton and synthetic fibers, from Derby, Conn., to St. Cloud, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 88), filed December 18, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail department stores (except foodstuffs and commodities in bulk) and in connection therewith *materials and supplies* used in the conduct of such business, from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, and Texas, to facilities of World-Wide, Inc. and Erickson Petroleum Co. at Minneapolis-St. Paul, Minn. and points in their Commercial Zones as defined by the Commission.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134779 (Sub-No. 7), filed December 30, 1974. Applicant: JANESVILLE AUTO TRANSPORT COMPANY, a corporation, 1236 South Cherry Street, Janesville, Wis. 53545. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks, chassis and buses*, in initial movements, in truckaway and driveaway service, from Janesville, Wis., to points in Kentucky and Tennessee; (2) *rejected or damaged shipments* of the commodities described in (1) above, from points in Kentucky and Tennessee, to Janesville, Wis.; and (3) *automobiles, trucks, tractors* (except farm tractors, and crawler or track type tractors), *chassis and buses*, in secondary movements, in truckaway and driveaway service, between points in Illinois and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich. or Washington, D.C.

No. MC 134780 (Sub-No. 3), filed Dec. 20, 1974. Applicant: UNITED TRUCK SERVICE, INC., P.O. Box 1276, Seminole, Okla. 74868. Applicant's representative: Dean Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap materials, and ingots*, from Wewoka, Okla., to points in Arkansas, Colorado, Illinois, Kansas, Missouri, New Mexico, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 136166 (Sub-No. 12), filed December 19, 1974. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vinegar and cooking wine*, in bulk, in tank vehicles, from Guasti, Calif., to Chicago, and Streator, Ill.; Terre Haute, Ind.; and Walworth, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 136166 (Sub-No. 14), filed December 23, 1974. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Oregon 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate*, in bulk, in tank vehicles, from Burlingame, Calif., to Fort Worth, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 136166 (Sub-No. 15), filed December 23, 1974. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnesium perchlorate, liquid*, in

bulk, in tank vehicles, from Henderson, Nev., to Charlotte, N.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif., or Las Vegas, Nev.

No. MC 136482 (Sub-No. 4), filed December 23, 1974. Applicant: INDUSTRIAL ASPHALT TRANSPORT ,INC., Rt. 3, Buffalo Shoals Rd., Statesville, N.C. 28677. Applicant's representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Rd., Atlanta, Ga. 30339. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Charleston, S.C., to points in Georgia, North Carolina, Tennessee, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C., or Washington, D.C.

No. MC 138563 (Sub-No. 3), filed December 19, 1974. Applicant: J.M.J. PROJECTS, INC., 2109 West 50th, Shawnee Mission, Kans. 66205. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used and junk batteries, residues, residuum scale, slimes, sludge, sweepings, washings, and scrap*, from Leavenworth, Kans., to Granite City, Ill.; and (2) *lead ingots, antimonial, and litharage*, from Granite City, Ill., to Leavenworth, Kans., under contract with Gould, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 139495 (Sub-No. 23), filed December 20, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery stores and food business houses, on pallets, from the plantsites and storage facilities of Lever Brothers Company at or near Chicago, Ill., Hammond, Ind., and St. Louis, Mo., to points in Texas.

NOTE.—Applicant holds contract carrier authority in MC 133106 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 24), filed December 20, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from points in Montgomery County, Pa., to points in Ohio, Indiana, Illinois, and Michigan.

NOTE.—Applicant holds contract carrier authority in MC 133106 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139591 (Sub-No. 2), filed June 10, 1974. Applicant: MARASCO & SON TRUCKING COMPANY, Route #1, Box 98, Helper, Utah 84526. Applicant's representative: James T. Jensen, 190 North Carbon Avenue, Price, Utah 84501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from the facilities of Carbon Fuel Company near Castle Gate, Utah, to the railhead at Castle Gate, Utah, restricted to transportation of shipments having an immediately subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Price or Salt Lake City, Utah.

No. MC 139641 (Sub-No. 1), filed December 13, 1974. Applicant: CURTIS D. MORRIS AND ELSIE M. MORRIS, doing business as MORRIS TRANSFER, P.O. Box 129, Malin, Oreg. 97632. Applicant's representative: Curtis D. Morris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas and produce* exempt from regulations under section 203(b) (6) of the Interstate Commerce Act in mixed loads with bananas, from Long Beach and Wilmington, Calif., Commercial Zones, to Medford, Oreg.; and (2) *groceries* consisting of canned goods and sugar, from points in Contra Costa, Fresno, Monterey, Sacramento, San Francisco, San Joaquin, Sonoma, Stanislaus, Los Angeles, and Orange Counties, Calif., to Medford, Oreg.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Portland or Medford, Oreg.

No. MC 139922 (Sub-No. 2), filed December 26, 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, Suite 246, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides and skins, green, salted*, from points in Richmond County, Ga., to points in Delaware, Maine, Massachusetts, New Jersey, and New York.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 140013 (Sub-No. 1), filed December 26, 1974. Applicant: PALLAS TRUCKING, INC., 830 Hood Street, Salem, Oreg. 97303. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation equipment, supplies and materials, and pipe*, from the plantsite of Western Irrigation and Manufacturing, Inc., at or near Eugene, Oreg., to points in Washington, Idaho, Montana, Wyoming, Utah, California, Texas, Nevada, Nebraska, Colorado, Arizona, and New Mexico, under a continuing contract or contracts with Western Irrigation and Manufacturing, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 140126 (Sub-No. 2), filed December 19, 1974. Applicant: MARVIN H. PRITCHETT AND CLEATUS WARD, a Partnership, d.b.a. PRITCHETT-WARD, Main & Broad Streets, P.O. Box 311, Lake Butler, Fla. 32054. Applicant's representative: M. H. Pritchett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Baker, Columbia, Suwannee, Hamilton, and Union Counties, Fla., to Clyattville, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it beheld at Jacksonville, Fla., or Atlanta Ga.

No. MC 140265 (Sub-No. 2), filed December 13, 1974. Applicant: LARRY E. HICKOX, doing business as LARRY E. HICKOX TRUCKING, Box 95, Casey, Ill. 62420. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Polyethylene film* (except in bulk), from Marshall, Ill., to points in Alabama, California, Indiana, Kentucky, Missouri, Ohio, Tennessee, and Wisconsin, under a continuing contract or contracts with Custom films, Ind., Marshall, Ill.; and (2) *grain door kits*, from Kansas, Ill., to points in Alabama, Arkansas, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, and Texas, under a continuing contract or contracts with Charles Kirchner & Son, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., St. Louis, Mo., or Springfield, Ill.

No. MC 140281 (Sub-No. 2), filed December 16, 1974. Applicant: EXPORT METALS COMPANY, a Corporation, 3212 Brison Avenue, Murrysville, Pa. 15668. Applicant's representative: James C. Artman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap material*, from Braddock, Pa., to Girard, Ohio, under a continuing contract with B. Zeff Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 140422 (Amendment), filed November 15, 1974, published in the FEDERAL REGISTER issue of December 19, 1974, and republished, as amended, this issue. Applicant: GENE R. THEODORI AND JERRY M. SMIELL, a Partnership, doing business as THEODORI TRUCKING, Box 45, Waltersburg, Pa. 15488. Authority sought to operate as a *contract carrier*, by motor vehicle, over ir-

regular routes, transporting: (1) *Machinery*, used or useful in the mining of coal, (a) between points in Allegheny and Fayette Counties, Pa., on the one hand, and, on the other, points in West Virginia, New Jersey, New York, Maryland, Ohio, and Indiana; and (b) between points in Marion, Monongalia, and Preston Counties, W. Va., on the one hand, and, on the other, points in New York, New Jersey, Indiana, Ohio, Maryland, and Pennsylvania, under a continuing contract or contracts with Betty Louise Coal Company, Inc., and L. B. Smith, Inc.; and (2) *coal*, in bulk, in dump vehicles, from points in Monongalia, Preston, and Marion Counties, W.Va., to points in Fayette, Greene, and Washington Counties, Pa., under a continuing contract or contracts with Betty Louise Coal Company, Inc.

NOTE.—The purpose of this republication is to amend the authority originally requested. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 140493, filed December 13, 1974. Applicant: BECHEM TRANSPORT, INC., 46 River Street, New Haven, Conn. 06513. Applicant's representative: John C. Bradley, 618 Perpetual Bldg., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (1) from North Haven and New Haven, Conn., to points in New York, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont; and (2) from points in New Jersey and Delaware City, Del., to points in North Haven and New Haven, Conn., under continuing contracts with Axton-Cross Company, The Upjohn Company, and H. Krevit and Co., Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New Haven, Conn., or Washington, D.C.

No. MC 140501 (Sub-No. 1), filed December 23, 1974. Applicant: EDWARD CRAMBLETT, doing business as CRAMBLETT TRUCKING, Box 477, Scio, Ohio 43988. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kitchen cabinet and sink tops*, from North Township (Harrison County), Ohio, to points in Pennsylvania, New York, Massachusetts, Virginia, Indiana, Michigan, the District of Columbia, Kentucky, Connecticut, West Virginia, Maryland, New Jersey, and Delaware; (2) *materials* used in the manufacture of kitchen cabinet and sink tops (except commodities in bulk), from the destination states in (1) above, to North Township (Harrison County), Ohio; and (3) *insulation board and artificial fireplace logs*, between Sherrodsville, Ohio, on the one hand, and, on the other, points in Pennsylvania, Indiana, Illinois, Kentucky, Michigan, West Virginia, and New York, under a continuing contract or contracts with Scio Cabinet Company and Thermo Cast Industries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 140505, filed Dec. 16, 1974. Applicant: JOHN PETERSON, doing business as PLAZA TRUCKING CO., 60 North Street, East Peterson, N.J. 07407. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Athletic goods and camping equipment*, from La Guardia, Kennedy International Airport, N.Y., Newark International Airport, N.J., and piers in New York Harbor N.Y., to Tolland, Conn., under contract with Impecco Ltd.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 140507, filed December 16, 1974. Applicant: PAUL J. WHITE, Route #1 (State Route 11-B), North Lawrence, N.Y. 12967. Applicant's representative: Richard V. Manning, 43 Market Street, Potsdam, N.Y. 13676. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bagged poultry and dairy feed* (except in bulk), from St. Albans, Vt., to Malone, Bombay, Massena, Hammond, Potsdam, and Madrid, N.Y., under a continuing contract or contracts with Madrid Agway Cooperative, Inc., Hammond Agway Cooperative, Inc., Potsdam Agway Cooperative, Inc., Bombay Agway Cooperative, Inc., Malone Agway Cooperative, Inc., and Massena Agway Cooperative, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 140515 (Sub-No. 1), filed December 23, 1974. Applicant: AMERITEX INC., 2103 Columbia, Plainview, Tex. 79072. Applicant's representative: William E. McCoy, 2218 Joliet, Plainview, Tex. 79072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides and hide products*, from the plant and storage facilities of MBPXL Corporation at or near Friona, Tex., to Wilmington, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 140516, filed December 20, 1974. Applicant: CYCLE'S TRANSPORT, INC., 4213 Wilson Boulevard, Arlington, Va. 22203. Applicant's representative: Kim D. Mann, 702 World Center Building, 918 16th St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles, and motorcycle parts and accessories*, from Newark, Norwood, and Cherry Hill, N.J.; Norfolk, Va., and Baltimore, Md., to Arlington, Va., under a continuing contract or contracts with Cycle's, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140517, filed December 16, 1974. Applicant: ROBERT L. NORRIS AND JOHN G. SHOCKLEY, a Partnership, doing business as TRANSPORT STEEL, 1721 27th Street, Greeley, Colo. 80631. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel fence posts, rebars, barbed and baling wire, angles, smooth bars, T-bar stock, fence, nails, and welded fabric*, from the plantsite of Colorado Steel and Wire Company at or near Loveland, Colo., to points in Arizona, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming; and (2) *raw materials* used in the manufacture of the above named commodities, from the destination states named above, to the plantsite at or near Loveland, Colo., under a continuing contract or contracts with Colorado Steel and Wire Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 140520, filed December 18, 1974. Applicant: HEFLIN INDUSTRIES, INC., 1111 West Maricopa Freeway, Phoenix, Ariz. 85001. Applicant's representative: Donald E. Fernaays, Suite 312, 4040 East McCowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Floor tile, linoleum, adhesives, carpet, and carpet padding*, from Lancaster and Marietta, Pa., and Ringgold, Ga., to Phoenix, Ariz.; and (B) *textiles*, from Prattville, Ala., Shoemakersville, Pa., and Jefferson, S.C., to Casa Grande, Ariz., under a continuing contract or contracts with Arizona Textile Corp., and Black and Ryan Distributors.

NOTE.—Applicant holds common carrier authority in MC 138178 (Sub-No. 2) therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 140521, filed December 23, 1974. Applicant: RAU CARTAGE, INC., 1107 East Noble Street, Monroe, Mich. 48080. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Monroe, Mich., and Baltimore, Ohio, to points in Ohio and Michigan; (2) *scrap paper and waste paper*, from points in Ohio and Michigan to Monroe, Mich., and Baltimore, Ohio; (3) *shop handling equipment, skids, wood and metal platforms and stock boxes, lawn rollers, and steel castings*, from Monroe, Mich., to points in Ohio; (4) *foundry supplies, brick, carbide, and stone*, from points in Ohio to Monroe, Mich.; (5) *waste and scrap paper, and waste and scrap pulpboard*, from Monroe, Mich., to points in Ohio (except Circleville, Hamilton, Lockland, Middletown, and Rittman, Ohio, and their respective commercial zones as defined by the Commission); (6) *fertilizer*,

from Lockland and Columbus, Ohio, to points in that part of Michigan on and south of Michigan Highway 55; (7) *starch* (except in bulk), from Harbor Beach, Mich., to Sharonville and Solon, Ohio, and Washington, Pa.; and (8) *agricultural pesticides* (except in bulk) from Columbus, Ohio, to points in that part of Michigan south of Michigan Highway 55.

NOTE.—Common control may be involved. Applicant states that the purpose of this application is to convert its contract carrier authority in MC 53321 and subs thereunder to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, the applicant requests it be held at either Detroit or Lansing, Mich., or Chicago, Ill.

No. MC 140522, filed December 23, 1974. Applicant: LUMBER TRANSPORT, INC., 1785 East US–23, East Tawas, Mich. 48730. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, prefabricated buildings, and components* thereof, and *roof trusses*, from East Tawas, Mich., to points in Illinois, Indiana, Ohio, and Pennsylvania; (2) *lumber*, from points on the International Boundary line between the United States and Canada located on the St. Mary's, St. Clair, and Detroit Rivers, to points in Michigan, Illinois, Indiana, Ohio, and Pennsylvania; and (3) *lumber*, from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, and Texas, to points in Michigan, Illinois, Indiana, Ohio, and Pennsylvania, under a continuing contract or contracts with Schaaf Lumber Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich., or Chicago, Ill.

No. MC 140523, filed December 30, 1974. Applicant: DELCHER MOVING OF SOUTH FLORIDA, INC., 451 Redland Road, Homestead, Fla. 33030. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 140539, filed December 23, 1974. Applicant: TENNESSEE EXPRESS, INC., 22 Stanley Street, Nashville, Tenn. 37210. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and telephone equipment, materials, and supplies), between the plantsite of The Firestone Tire & Rubber Company in Rutherford County, Tenn., on the one hand, and, on the other, points in Davidson County, Tenn.

NOTE.—Applicant holds motor contract carrier authority in MC 136714 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

APPLICATIONS OF PASSENGER(S)

No. MC 107815 (Sub-No. 7) (amendment), filed August 5, 1974, published in the FEDERAL REGISTER issue of September 12, 1974, and republished as amended, this issue. Applicant: IOWA COACHES, INCORPORATED, 442 8th Avenue, Dubuque, Iowa 52001. Applicant's representative: M. M. Cooney, 705 Dubuque Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle as passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Dubuque, Farley, Dyersville, Manchester, Independence, Waterloo, Cedar Falls, Ackley, Iowa Falls, Webster City, Fort Dodge, Storm Lake, Sac City, Rockwell City, Cherokee, LeMars, Sioux City, Elkader, Strawberry Point, McGregor, and Cedar Rapids, Iowa, and Prairie du Chien, Wis., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to amend the authority originally requested. If a hearing is deemed necessary, applicant requests it be held at Des Moine, Iowa, or Omaha, Nebr.

FREIGHT FORWARDER APPLICATION(S)

No. FF 464 (Correction), filed December 3, 1974, published in the FEDERAL REGISTER issue of December 27, 1974, and republished as corrected this issue. Applicant: PARAMOUNT FORWARDERS, INC., 3164 Springfield Road, P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of (a) *Used household goods*, (b) *unaccompanied baggage*, and (c) *used automobiles*, between points in the United States, including Hawaii but excluding Alaska, restricted in (c) above to the transportation of import-export traffic.

NOTE.—The purposes of this republication are (1) change FF 377 (Sub. No. 1) to FF 464; and (2) correct the restriction above. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

By the Commission.

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

[FR Doc.75–2042 Filed 1–22–75;8:45 am]

[Notice 220]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 12, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 27735. By order of January 8, 1975, the Motor Carrier Board approved the transfer to Air Land Freight Consolidators, Inc., San Francisco, Calif., of that portion of the operating rights in Permit and Order No. 387 issued October 22, 1971, to Trans-Air Freight System, Inc., Jamaica, N.Y., authorizing operations as a freight forwarder, in interstate commerce, through the use of the facilities of common carriers of express by motor vehicle, in the transportation of general commodities (except Classes A and B explosives, household goods as defined by the Commission, commodities which because of size and weight require special equipment, commodities in bulk, unaccompanied baggage, and motor vehicles), between points in the United States, including Alaska and Hawaii, restricted to the transportation of traffic having an immediately prior or subsequent movement by air in the domestic air forwarder service of Air Land Freight Consolidators, Inc., and subject further to the interpretation made in the report at 339 I.C.C. 17. Hylan Cooper, 450 Seventh Avenue, New York, N.Y. 10001, attorney for applicants.

No. MC–FC–35459. By order entered January 16, 1974, the Motor Carrier Board approved for a period of one year to Route Messenger Services, a corporation, Long Island City, New York, of that portion of the operating rights set forth in Certificate No. MC 1668, issued January 16, 1941, to Riteway Express, Inc., Westwood, N.J., authorizing transportation of general commodities, with the usual exceptions between points and places in the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665, on the one hand, and, on the other, Bloomingdale, Butler, Clifton, Haskell, Hawthorne, Midvale, Passaic, Pequannock, Pompton Plains, Pompton Lakes, Ringwood Manor, Riverdale, Wanaque, N.J., and points and places in Bergen County, N.J. Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904, practitioner for lessee, and Edward M. Alfano, 550 Mamaroneck

Avenue, Harrison, N.Y. 10528, attorney for lessor.

No. MC-FC-75412. By order of 1-17-75, the Motor Carrier Board on reconsideration approved the transfer to Anderson Suburban Delivery, Inc., Youngstown, Ohio, of the operating rights in Certificate No. MC 119742 issued March 9, 1961, as corrected April 3, 1964, to United Parcel Delivery, Inc., Youngstown, Ohio, authorizing the transportation of such commodities as are dealt in by ladies' ready-to-wear stores, from Youngstown, Ohio, to points in Lawrence and Mercer Counties, Pa.; such commodities as are dealt in by wholesale and retail paper houses, from Youngstown, Ohio, to Sharon, Farrell, Sharpsville, and Wheatland, Pa.; such commodities as are dealt in by wholesale and retail hardware stores, from Youngstown, Ohio, to points in Lawrence, Mercer, Beaver, Butler, Crawford, Erie, and Venango Counties, Pa.; such commodities as are dealt in by mill supply houses and by wholesale and retail hardware houses, from Warren, Ohio, to points in Beaver, Butler, Crawford, Erie, Lawrence, Mercer, and Venango Counties, Pa.; agricultural limestone, from Bessemer, Pa., to Youngstown, Ohio, and flour, grains, feeds, salt, macaroni, soap, soap powders, vegetable shortening, paint, and chemicals, from Youngstown, Ohio, to points in Pennsylvania and Ohio within 90 miles of Youngstown. David H. Beaver, 8 East Broad Street, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-75567. By order of January 6, 1975, the Motor Carrier Board approved the transfer to Louis G. Hannum, Jr., Pitman, N.J., of that portion of Certificate No. MC 49392 Sub 5 issued July 28, 1972, to Campbell's Moving Company, Inc., Trevose, Pa., authorizing the transportation of such merchandise as is dealt in by wholesale and retail department stores between Philadelphia, Pa., on the one hand, and, on the other, Camden, N.J., and points in that part of New Jersey within 30 miles of Camden. Franklin A. Wurman, Esq., 1400 Two Girard Plaza, Philadelphia, Pa. 19102.

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

[FR Doc.75-2163 Filed 1-22-75;8:45 am]

[Notice 221]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's General Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 12, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75399. By order entered 1-14-74, Division 3, acting as an Appellate Division, approved the transfer to Citizen Express, Inc., Asheville, N.C., of that portion of the operating rights set forth in Certificate No. MC 62824, issued by the Commission December 13, 1940, to Carolina Delivery Service Company, Inc., Charlotte, N.C., authorizing the transportation of motion picture film, supplies, and commodities used in the operations of motion picture theatres when moving to or from places of exhibition, between a specified area in North Carolina; and that portion of the operating rights set forth in said Certificate to Media Express, Inc., authorizing the transportation of motion picture film, supplies, and commodities used in the operation of motion picture theatres when moving to or from places of exhibition, between points in South Carolina, points in a specified area in North Carolina, Danville, Va., and Augusta, Ga., Warren A. Goff, 2008 Clark Tower, Memphis, Tenn. 38137, attorney for applicants.

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

[FR Doc. 75-2164 Filed 1-22-75;8:45 am]

[Notice 6 TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 196[illegible] 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. 304TA), filed January 9, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, 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: *Grape juice concentrate*, in bulk, in tank vehicles, from Geneva, Ohio to Anaheim, Calif., for 180 days. Supporting shipper: The Coca-Cola Company Foods Division, P.O. Box 2079, Houston, Tex. 77001. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 515 Rusk, 8610 Federal Bldg., Houston, Tex. 77002.

No. MC 15975 (Sub-No. 8TA), filed January 7, 1975. Applicant: BUSKE LINES, INC., 123 W. Tyler St., Litchfield, Ill. 62056. Applicant's representative: Harold Buske (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-unloading spreader truck bodies* set up, *and parts and attachments* therefor, *and tube type auger loaders and unloaders*, from Jerseyville, Ill., to points in the United States on and east of U.S. Highway 85, for 180 days. Supporting shipper: Louis C. Kral, General Manager, Kraus Mfg. and Equipment Company, P.O. Box 70, Jerseyville, Ill. 62052. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 40497 (Sub-No. 4TA), filed January 10, 1975. Applicant: LAWRENCE MOVING & STORAGE CO., P.O. Box 1194 (1930 J Street), Sacramento, Calif. 95806. Applicant's representative: David P. Christianson, 825 City National Bank Bldg., 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Used household goods*, (b)(1) Between points in Alpine and Amador Counties, Calif., and (2) Between points in Alpine and Amador Counties, Calif., on the one hand, and, on the other, points in El Dorado, Nevada, Placer, Sacramento, and Yolo Counties, Calif., 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 150 days. Supporting shipper: Department of Defense, Regulatory Law Office, Department of the Army, Washington, D.C. 20310. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 84102.

No. MC 69492 (Sub-No. 45TA), filed January 6, 1975. Applicant: HENRY EDWARDS, doing business as HENRY ED-

WARDS TRUCKING COMPANY, Box 97, Clinton, Ky. 42301. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and related advertising materials*, (a) from Detroit, Mich., to Dresden, Dyersburg, and Jackson, Tenn., (b) from Peoria, Ill., to Martin, Tenn., (c) from St. Joseph, Mo., to Memphis, Tenn., (2) *Lime*, in bulk, from Jonesboro, Ill., to points in Obion County, Tenn., for 150 days. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 89617 (Sub-No. 16TA), filed January 10, 1975. Applicant: LEWIS TRUCK LINES, INCORPORATED, Rt. 6, Box 65-A, Conway, S.C. 29526. Applicant's representative: Franck A. Graham, Jr., 707 Security Federal Bldg., Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap Brass* in the form of chips and shavings and (2) *brass rods*, (1) from the plant site of American Gear & Pinion Corp., near Conway, S.C., to the plant site of Mueller Brass Co., at Port Huron, Mich., and (2) from the plant site of Mueller Brass Co., at Port Huron, Mich., to the plant site of American Gear & Pinion Corp., near Conway, S.C., for 180 days. Supporting shipper: American Gear & Pinion Corp., P.O. Box 267, Conway, S.C. 29526. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 302, 1400 Building, 1400 Pickens, Columbia, S.C. 29201.

No. MC 111397 (Sub-No. 111TA), filed January 9, 1975. Applicant: DAVIS TRANSPORT, INC., 1345 South 4th Street, Paducah, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Avondale Station, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive waste materials*, requiring special disposition, *and nonradioactive waste materials*, requiring special disposition for ecological purposes; from the cities of San Francisco and Eureka, and the counties of San Francisco, Alameda, Solano, Contra Costa, Santa Clara, San Mateo, Sacramento, San Diego, Los Angeles, and Orange, California; Cimarron, Oklahoma, Albuquerque, New Mexico, to burial site of Nuclear Engineering Company near Beatty, Nevada, for 180 days. Supporting shipper: Nuclear Engineering Company, Inc., 9200 Shelbyville Road, P.O. Box 7246, Louisville, Ky. 40207. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Bldg., 167 North Main Street, Memphis, Tenn. 38103.

No. MC 111729 (Sub-No. 495TA) filed January 9, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs, and medical isotopes, and related supplies and accessories*, between Arlington Heights, Ill., on the one hand, and, on the other, points in New Jersey; *replacement parts* for business machines and computers, restricted against the transportation of packages or articles weighing in the aggregate more than 35 pounds from one consignor to one consignee on any one day, between Philadelphia, Pa., on the one hand, and, on the other, Allentown, Pottsville, Reading, and Wilkes-Barre, Pa., restricted to traffic having a prior or subsequent movement by air, *business papers, records, and audit and accounting media of all kinds*, between Philadelphia, Pa., on the one hand, and, on the other, Allentown, Pottsville, Reading, and Wilkes-Barre, Pa., restricted to traffic having a prior or subsequent movement by air, for 180 days. Supporting shippers: Amersham Searle, 2636 S. Clearbrook Drive, Arlington Heights, Ill. 60005, National Cash Register, 456 Union Avenue, Allentown, Pa. 18103. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 136201 (Sub-No. 3TA), filed January 10, 1975. Applicant: ROCKY MOUNTAIN FEED INGREDIENTS SERVICE, INC., 1524 Lockwood Road, Billings, Mont. 59101. Applicant's representative: Hugh Sweeney, Hibbs, Sweeney & Colberg, Box 1321, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed*, in bulk, in tank vehicles, from Billings, Mont., to points and places in South Dakota, for 180 days. Supporting shipper: Standard Chemical Manufacturing Company, P.O. Box 3844, Omaha, Nebr. 68103. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 138274 (Sub-No. 14TA), filed January 9, 1975. Applicant: SHIPPERS BEST EXPRESS, INC., 2151 North Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rendering house products*, from the plantsite of C.U.I. International located at or near Boise, Idaho, to points in Washington, Oregon, California, Nebraska, and Colorado, for 180 days. Supporting shipper: C.U.I. International (Division of Beatrice Foods Co.), Nampa, Idaho 83651. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State Street, Salt Lake City, Utah 84138.

No. MC 138741 (Sub-No. 15TA), filed January 9, 1975. Applicant: E. K. MOTOR SERVICE, INC., 2005 N. Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, Suite 910, Fairfax Bldg., 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials and suplies* used in the installation thereof, and materials, equipment, and supplies used in the manufacture or shipping of roofing and building materials (except commodities in bulk, in tank vehicles), between the plantsite of Building and Industrial Products Division of G.A.F. Corporation located at Kansas City, Mo., on the one hand, and, on the other points in Brown, Pottawatomie, Atchison, Leavenworth, Wabaunsee, Osage, Johnson, Franklin, Coffey, Linn, Doniphan, Jackson, Jefferson, Wyandotte, Shawnee, Douglas, Lyon, Miami, and Anderson Counties, Kansas, for 180 days. Supporting shipper: James Dirkee, Plant Traffic Manager, G.A.F. Corporation, 7600 E. 15th Street, Kansas City, Mo. 64126. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 138741 (Sub-No. 16TA), filed January 9, 1975. Applicant: E. K. MOTOR SERVICE, INC., 2005 N. Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, Suite 910, Fairfax Bldg., 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials and supplies* used in the installation thereof, and materials, equipment, and supplies used in the manufacture or shipping of roofing and building materials (except commodities in bulk, in tank vehicles), between the plantsite of Building and Industrial Products Division of G.A.F. Corporation located at Kansas City, Mo., on the one hand, and, on the other points in Brown, Pottawatomie, Atchison, Leavenworth, Waubaunsee, Osage, Johnson, Franklin, Coffey, Linn, Doniphan, Jackson, Jefferson, Wayandotte, Shawnee, Douglas, Lyon, Miami, and Anderson Counties, Kansas, for 180 days. Supporting shipper: James Dirkee Plant Traffic Manager, G.A.F. Corporation, 7600 E. 15th Street, Kansas City, Mo. 64126. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 138875 (Sub-No. 24TA), filed January 10, 1975. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, Idaho 83705. Ap-

plicant's representative: F. L. Sigloh & Associates, 1134 No. Orchard, P.O. Box 7651, Boise, Idaho 83707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diatomaceous earth*, from the plantsites of Western & Southern Mining and Minerals, Inc., at Weiser, Idaho and near Westfall (Malheur County) Oregon to ports and docks in Oregon, Washington & California for delivery to ocean vessels, for 180 days. Supporting shipper: Western & Southern Mining and Minerals, Inc., P.O. Box 831, Weiser, Idaho 83672. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC 140392 (Sub-No. 1TA), filed January 8, 1975. Applicant: PETER J. BATTAGLIA AND ROGERT LARA, doing business as LINALE DRAYING COMPANY, 1960 Jerrold Avenue, San Francisco, Calif. 94124. Applicant's representative: (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, return with potatoes which are exempt per Section 203(b)(6) from San Francisco, Calif., to Klamath Falls, Springfield, and Redmond, Oregon, for 180 days. Supporting shipper: A. Lucas, Buyer Merchandise, Canned Foods, Inc., 1315 Folsom Street, San Francisco, Calif. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif.

No. MC 140471 (Sub-No. 1TA), filed January 9, 1975. Applicant: R. J. C. TRANSPORT CORP., 23 North Main Street, Pearl River, N.Y. 10965. Applicant's representative: Robert Logan, 117 South Main Street, Nanuet, N.Y. 10954. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment* used in the manufacture and sale of its business by the Burroughs Corporation, between the plantsites of the Burroughs Corporation located in City of Industry, California, Bardstown, Kentucky, Park Ridge, New Jersey, and Birmingham, Alabama, and its commercial zone; Los Angeles, California, and its commercial zone; Toland, Connecticut; Bardstown, Lexington, Louisville, Kentucky, Carlstodt, Park Ridge, Trenton, New Jersey; Cincinnati, Ohio, and its commercial zone; Conshohocken, Harrisburg, Pennsylvania; Dallas, Texas, and its commercial zone, for 180 days. Supporting shipper, Burroughs Corporation, 76 Park Avenue, Park Ridge, N.J. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 140473 (Sub-No. 1TA), filed January 10, 1975. Applicant: BARIBAULT OIL CO., INC., doing business as LYMAN BULK TRANSPORT, 610 Main Street, Watertown, Conn. 06702. Applicant's representative: John F. Phelan, 111 West Main Street, Waterbury, Conn. 06702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, sand and gravel*, in bump vehicles, for the account of McCleary Bros., Inc., from Woodbury, Conn., to Somers, N.Y., with no return for compensation, for 180 days. Supporting shipper: McCleary Bros., Inc., 974 Main Street, Watertown, Conn. 06795. Send protests to: Bureau of Operations, Interstate Commerce Commisison, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 140501 (Sub-No. 2TA), filed January 10, 1975. Applicant: EDWARD CRAMBLETT, doing business as ED CRAMBLETT TRUCKING, Box 477, Scio, Ohio 43988. Applicant's representative: Richard H. Brandon, 79 E. State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kitchen cabinet sink tops*, from Scio, Ohio, to points in Pennsylvania, New York, West Virginia, Maryland, and New Jersey; (2) *materials and supplies used in the manufacture of kitchen cabinet sink tops*, from Oakmont, Pa., Triadelphia, West Virginia, Odenton, Maryland, and Kearny, New Jersey, to Scio, Ohio (except commodities in bulk), (3) *insulation board*, from Carnegie, Pa., to Sherrodsville, Ohio, and from Sherrodsville, Ohio, to Huntington, Ind., for 180 days. Supporting shippers: Scio Cabinet Company, Box 526, Scio, Ohio. Thermo-Cast Industries, Inc., P.O. Box 212, Sherrodsville, Ohio. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

No. MC 140535 (Sub-No. 1TA), filed January 10, 1975. Applicant: RAYMOND ADAMSON, Box 42, Gainesville, Mo. 65655. Applicant's representative: Turner White, 1736 East Sunshine, Springfield, Mo. 65804. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic saw shavings, plastic grindings, and scrap plastic material*, from Waco, Tex., Oklahoma City, Okla., Mountain Home and Brinkley, Ark., McPherson, Kans., and Social Circle, Ga., to Gainesville, Mo., for 180 days. Supporting shipper: Bryant Plastics, Inc., Gainesville, Mo. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 140540 TA, filed January 10, 1975. Applicant: L. MONTGOMERY, INC., 4 Tilton Avenue, Red Bank, N.H. 07721. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Styrofoam products, plastic lids, plastic tumblers, plastic plates, and plastic utensils*, from the plantsite of Thompson Industries Co., New Shrewsbury, N.J., to points in Connecticut, Delaware, Maryland, New York, and Pennsylvania, for 180 days. Supporting shipper: Thompson Industries Co., P.O. Box 395, Eatontown, N.J. 07724. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

By the Commission.

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

[FR Doc.75-2160 Filed 1-22-75;8:45 am]

[Notice 7]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 16, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 21455 (Sub-No. 35TA), filed January 13, 1975. Applicant: GENE MITCHELL CO., West Liberty, Iowa 52776. 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: *Wheat starches and protein* (except in bulk), from ports of entry at Grand Portage, Minn., and Champlain, N.Y., to Chicago and Schaumberg, Ill., Terre Haute, Ind., Kansas City, Mo., Yonkers, N.Y., and Columbus and Worthington, Ohio, for 180 days. Supporting shipper: Industrial Grain Products, P.O. Box 6089, Montreal, Quebec, Canada H3C3H1. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 75816 (Sub-No. 5TA), filed January 13, 1975. Applicant: STONY'S TRUCKING CO., P.O. Box 277, 11550 Youngstown-Akron Road, North Jackson, Ohio 44451. Applicant's representative: James Duvall, Esq., P.O. Box 97,

220 West Bridge Street, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast, prestressed concrete slabs and abutments*, on extendable trailers, from the facilities of Structural Concrete Systems, Inc., Bellaire-Neffs Road, Bellaire, Belmont County, Ohio, to points in W. Va. for 180 days. Supporting shipper: Structural Concrete Systems, Inc., P.O. Box 309, Bellaire, Ohio 43906. Send protests to: James Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 123405 (Sub-No. 39TA), filed January 13, 1975. Applicant: FOOD TRANSPORT, INC., R. D. #1, Thomasville, Pa. Applicant's representative: Christian V. Graf, 407 N. Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrol-chemicals), in containers, from New Kensington, Westmoreland County, Pa., and McKees Rocks, Allegheny County, Pa., to points in Florida and Georgia, for 180 days. Supporting shipper: Quaker State Oil Refining Corporation, P.O. Box 989, Oil City, Pa. 16301. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 138438 (Sub-No. 11TA), filed December 27, 1974. Applicant: D. M. BOWMAN, INC., 15 East Oak Ridge Drive, Route 3, Box 26, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, Esq., 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Martinsburg, W. Va., to points in Pennsylvania, Delaware, New Jersey, New York, Connecticut, and Massachusetts, for 180 days. Supporting shipper: Wilkes Barre Clay Products Co., 140 Dilly Street, Forty Fort, Penn. 18704. Send protests to: W. C. Hersman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 317, 12th & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 138607 (Sub-No. 3TA), filed January 13, 1975. Applicant: P & N TRUCK SERVICE, INC., 2821 Orindale Road, Klamath Falls, Oreg. 97601. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverage*, from Phoenix, Ariz., to points in Oregon and Washington, for 180 days. Supporting shippers: There are approximately 16 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: A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 140538 (Sub-No. 1TA), filed January 8, 1975. Applicant: LESLIE NORMAN FRED, doing business as NORMAN FRED, R.F.D. #1, DeSoto, Ill. 62924. Applicant's representative: John G. Gilbert, P.O. Box 1058, 231 West Main, Carbondale, Ill. 62901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk and dairy products, including cream, ice cream mix, cottage cheese, butter, ice creams, milk powder and milk substitutes, containers for dairy products*, between Carbondale, Ill., on the one hand, and, on the other, points in Cape Girardeau, Mo., Scott, Stoddard, and St. Louis Counties, Mo. for 180 days. Supporting shipper: Harold Hauter, Comptroller, Prairie Farms Dairy, Inc., 1100 North Broadway, Carlinville, Ill. 62626. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2418, Springfield, Ill. 62705.

No. MC 140541 TA, filed January 13, 1975. Applicant: AVANT TRUCKING COMPANY, INC., P.O. Box 216, Gray, Ga. 31032. Applicant's representative: T. Baldwin Martin, Sr., P.O. Box 4987, 700 Home Federal Bldg., Macon, Ga. 31208. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime and similar agricultural commodities*, in dump trucks, from United States Steel Corporation in Jefferson City, Tenn., to all points in Georgia, for 180 days. Supporting shipper: Georgia Wholesale Lime Dealers, Inc., P.O. Box 216, Gray, Ga. 31032. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

No. MC 140542 TA, filed January 10, 1975. Applicant: JACK C. CLAYTON, doing business as C & C AIRFREIGHT, Route 3, Box 3205, Kennewick, Wash. 99336. Applicant's representative: Boyd Hartman, Suite 804, 10655 NE. 4th St., Bellevue, Wash. 98004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Freight*, having an immediate prior or immediate subsequent air movement, between Pasco, Wash., and Pasco International Airport on the one hand, and Walla Walla, Wash., and a 25 mile radius thereof on the other, for 180 days. Supporting shipper: Hughes Airwest, International Airport, Portland, Oreg. 97218. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Avenue, Seattle, Wash. 98174.

APPLICATION OF PASSENGER

No. MC 134415 (Sub-No. 3TA), filed January 15, 1975. Applicant: PERDUE INCORPORATED, P.O. Box 1537, Salisbury, Md. 21801. Applicant's representative: Wendy Phillips (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, from points in Worcester, Wicomico, and Somerset Counties, Md., to Perdue Incorporated, Accomac, Va., for 180 days. Supporting shipper: Perdue Incorporated, P.O. Box 1537, Salisbury, Md. 21801. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 317, 12th & Constitution Ave. NW., Washington, D.C. 20432.

By the Commission.

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

[FR Doc.75-2162 Filed 1-22-75;8:45 am]

[Notice 8]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 17, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13900 (Sub-No. 24TA), filed January 13, 1975. Applicant: MIDWEST HAULERS, INC., 228 Superior Street, Toledo, Ohio 43604. Applicant's representative: William E. Gibbs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, which at the time are moving on bills of lading of freight forwarders, as defined in Section 402(a) of the Act. Between Memphis, Tennessee, and its commercial zone, on the one hand, and, on the other, Boston, Mass., New York, N.Y., Newark and Trenton, N.J., Harrisburg and Philadelphia, Pa., Baltimore, Md., and Washington, D.C., and points in their respective commercial zones, for 180 days. Support-

ing shipper(s): (1) Acme Fast Freight, Inc., 3750 W. 47th St., Chicago, Ill. 60632. (2) Universal Carloading & Dist. Co., 345 Hudson Street, New York, N.Y. 10014. (3) National Carloading Corporation and its Operating Division ABC–Trans National Transport, 201 Eleventh Ave., New York, N.Y. 10001. (4) Springmeier Shipping Company, 123 Hadley St., St. Louis, Mo. 63101. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations—Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 30844 (Sub-No. 524TA), filed January 14, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from Coffeyville, Kans., to Lexington, Ky., Hudsonville, Mich., and Philadelphia, Penn., for 180 days. Supporting shipper: Coffeyville Packing Company, Inc., 14th & Read Streets, Coffeyville, Kans. 67337. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 52460 (Sub-No. 163TA), filed January 13, 1975. Applicant. ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material, and empty containers* on return, from Memphis, Tenn., to Hannibal, Mo., and from Belleville, Ill., to Mannibal, Mo., for 180 days. Supporting shipper: Med Park Distributing Company, Med Park, Owner, 1220 Broadway, Hannibal, Mo. 63401. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 100666 (Sub-No. 288TA), filed January 16, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, Louisiana 71107. Applicant's representative: Wilburn L. Williamson, Dykeman, Williamson, & Williamson, Suite 280, National Foundation Life Center, 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Union City, Ga., to points in Arkansas, Kansas, Louisiana, Nebraska, Oklahoma, and Tenn., for 180 days. Supporting shipper: Richmond Lumber, Inc., P.O. Box 691, Union City, Ga. 30291, Raymond L. Harbin, Vice President. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room T-9038, U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, Louisiana 70113.

No. MC 106743 (Sub-No. 12TA), filed January 13, 1975. Applicant: LOFTIN'S TRANSFER & STORAGE CO., INC., P.O. Drawer 1568, Dothan, Ala. 36301. Applicant's representative: Robert S. Richard, P.O. Box 2069, Montgomery Ala. 36103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, as unaccompanied baggage*, between points and places in the following Alabama counties: Calhoun, Clay, Cleburne, Cherokee, Etowah, Randolph, St. Clair, Talladega, and DeKalb. Restriction: Transportation restricted to traffic having a prior or subsequent movement, in containers, beyond the points authorized. Said operating are restricted to the performance of pick-up and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper(s): Department of Defense Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 107496 (Sub-No. 982TA), filed January 14, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's rperesentative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum resin* (in bulk, in tank vehicles), from Burlington, Iowa, to Decatur, Alabama, and points within its commercial zone, for 180 days. Supporting shipper: Midwest Manufacturing Corporation, P.O. Box 189, Burlington, Iowa 52601. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 108449 (Sub-No. 383TA), filed January 13, 1975. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified natural gas*, in bulk, in tank vehicles, from Chattanooga, Tenn., to Easley, S.C., for 180 days. Supporting shipper: Fort Hill Natural Gas Authority, P.O. Box 272, Easley, S.C., 29640. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Courthouse, 110 South Fourth Street, Chicago, Ill. 60604.

No. MC 111729 (Sub-No. 498TA), filed January 7, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit and accounting media*, from Dothan and Ozark, Ala.; Dalton, Dawson, Fitzgerald, Manchester, Milledgeville, Moultrie, Toccoa, and Winder, Ga.; Myrtle Beach, S.C.; Cookeville, Tenn.; and Bluefield, W. Va., to Durham, N.C., for 180 days. Supporting shipper: General Telephone Company of the Southeast, P.O. Box 1412, Durham, N.C. 27702. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 119619 (Sub-No. 79TA), filed January 13, 1975. Applicant: DISTRIBUTORS SERVICE CO., 2000 W 43rd St., Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, Esq., One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk). From the plantsites and storage facilities of Circle "C" Beef Co. at or near Denver, Colo., to all points in the Continental United States. (2) *meats, fresh and frozen, and materials and supplies* used in the manufacturing, preparation, processing, selling, and distribution of the commodities shown in (1) above. From all points in the Continental United States to the plantsites and storage facilities of Circle "C" Beef Co., at or near Denver, Colo., for 180 days. Supporting shipper(s): Circle "C" Beef Company, 5800 York St., P.O. Box 16424, Denver, Colo. 80216. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 135364 (Sub-No. 21TA), filed January 8, 1975. Applicant: MORWALL TRUCKING, INC., Box 76–C, R.D. #2, Moscow, Pa. 18444. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies*, used in the manufacture of pressure sensitive adhesive coated paper, aluminum coated insulation facings, and gummed reinforced sealing tape, from Fitchburg and Pepperell, Mass., Ashton, R.I., and Bellows Falls, Vt., to the facilities of Compac Corporation at Netcong and Monmouth Junction, N.J., for 180 days. Supporting shipper: Compac Corporation, Black Horse Lane, Monmouth Junction, N.J. 08852. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 128944 (Sub-No. 15TA), filed January 14, 1975. Applicant: RELIABLE TRUCK LINES, INC., 716 South 37th Street, Birmingham, Ala. 35222. Applicant's representative: James Clarence Evans, 1800 Third National Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, dangerous explosives, and commodities requiring special equipment), between Birmingham, Ala., and Chattanooga, Tenn., over Interstate Highway 59 (and also over U.S. Highway 11), serving the intermediate points of Gadsden and Attalla, Ala., including the commercial zones of each of these four named points, for 180 days. Supporting shippers: There are approximately 30 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: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 136711 (Sub-No. 14TA), filed January 10, 1975. Applicant: DAVID G. McCORKLE, doing business as McCORKLE TRUCK LINE, 2780 S. High, P.O. Box 95181, Oklahoma City, Okla. 73109. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the plantsites of United Coal Corp., near Inola, Okla., & Okar Energy, Inc., near Shady Point, Okla., and Greene County Coal Co., near Krebs, Okla., to the plantsites of Tharp Bros., Inc., Pangburn, Ark., and Arkansas Lightweight Aggregate Corp., near England, Ark., for 180 days. Supporting shippers: Tharp Bros., Inc., Vernon Tharp, Pres., Pangburn, Ark. Arkansas Lightweight Aggregate Corp., W. J. Ramsey, Plant Mgr., P.O. Box 99, England, Arkansas 72046. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 136711 (Sub-No. 15TA), filed January 10, 1975. Applicant: DAVID G. McCORKLE, doing business as McCORKLE TRUCK LINE, 2780 South High, P.O. Box 95818, Oklahoma City, Okla. 73112. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the plantsite of Lamb Coal Co., Thayer, Kansas, to the plantsite of Associated Electric Co-op at Moberly, Mo., and the plantsite of St. Joseph Lite & Power Co., St. Joseph, Mo., for 180 days. Supporting shipper: Lamb Coal Co., R. C. Lamb, President, P.O. Box 157, Thayer, Kans. 66776. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 Third, Oklahoma City, Okla. 73102.

No. MC 136711 (Sub-No. 16TA), filed January 13, 1975. Applicant: DAVID G. McCORKLE, doing business as McCORKLE TRUCK LINE, 2780 South High (P.O. Box 95181), Oklahoma City, Okla. 73109. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lightweight aggregate*, (1) from the plantstite of Buildex Incorporated at Ottawa, Kansas, to the plantsite of Makins Concrete Co. at Oklahoma City, Okla., and (2) from the plantsite of Arkansas Lightweight Aggregate Corp., near England, Ark., to the plantsite of Ada Block Co., at Ada, Okla., for 180 days. Supporting shippers: Makins Concrete Company, Hugh M. Smith, Plant Mgr., 100 SE. 4th, Oklahoma City, Okla. 73102. Ada Block Company, Sam Archer, Jr., Owner, P.O. Box 1562, Ada, Okla. 74820. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 140500 (Sub-No. 1TA), filed January 13, 1975. Applicant: EVERETT TRUCKING, INC., P.O. Box 56, Mount Vernon, Wash. 98274. Applicant's representative: George Kargianis, 2120 Pacific Bldg., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Specialty foods*, consisting of tortilla and taco shells, requiring temperature control, from Richmond, California, to points in Oregon and Washington, for 180 days. Supporting shipper: Toltec Foods, Inc., 380 Carlson Blvd., Richmond, Calif. 94804. Send protests to: L. C. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commision, 858 Federal Bldg., 915 Second Avenue, Seattle, Wash. 98174.

No. MC 140543 (Sub-No. 2TA), filed January 13, 1975. Applicant: FRANK GARRETSON, R.R. #2, Morrison, Tenn. 37357. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Georgia and Tennessee, to the plant or storage facilities of the Mead Corporation, located in Jackson County, Ala., for 180 days. Supporting shipper: The Mead Corporation, Talbott Tower, Dayton, Ohio 45402. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A–422, U.S. Court House, Nashville, Tenn. 37203.

No. MC 140544 (Sub-No. 1TA), filed January 13, 1975. Applicant: ARLO R. MILLER AND WILLARD D. NEBEKER, doing business as M & N TRUCKING, P.O. Box 267, Afton, Wyo. 83110. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metallic and nonmetallic ores*, including but not restricted to phosphate and vanadium ore, in bulk, in dump vehicles, between points in Lincoln and Sublette Counties, Wyo., on the one hand, and on the other points in Caribou and Bear Lake Counties, Idaho, for 180 days. Supporting shipper: Chemical Distributors, P.O. Box 68, Montpelier, Idaho 83254. Send protests to: P. A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1006 Federal Bldg. & Post Office, 100 East "B" Street, Casper, Wyo. 82601.

No. MC 140550 TA, filed January 13, 1975. Applicant: JAMES RICHARD BROUSTER, doing business as DICK AND SUE'S TAXI SERVICE, Route One, Heavener, Okla. 74937. Applicant's representative: (same as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Employees of the Kansas City Southern Railway Company*, from Heavener, Okla., to DeQueen, Ark., via U.S. 59 and infrequently between Heavener, Okla., and Fort Smith, Ark., via U.S. 59 & 271; also infrequently between Heavener, Okla., and Waldron, Ark., via Oklahoma 128 and Ark., 28, for 180 days. Supporting shipper: The Kansas City Southern Railway Company, 114 W. 11th Street, Kansas City, Mo. 64105. Send protests to: William H. Land, Jr., District Supervisor, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

By the Commission.

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

[FR Doc.75-2161 Filed 1-22-75;8:45 am]

federal register

THURSDAY, JANUARY 23, 1975

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

COMMITTEE MANAGEMENT

Notice of Proposed Rulemaking

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 11]

COMMITTEE MANAGEMENT

Notice of Proposed Rule Making

Notice is hereby given of proposed Department regulations implementing the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. I et seq. and Office of Management and Budget Circular No. A-63, 39 FR 12389, April 5, 1974. The regulations will govern the formation and utilization of all advisory committees within the Department's administrative jurisdiction.

Section 11.2 contains definitions of words and terms used in later sections of the regulations and § 11.3 expresses the general policies underlying the regulation. Section 11.4 specifies procedures which must be met in establishing, terminating, and continuing advisory committees including provisions governing the chartering and reporting of all such bodies.

Section 11.5 provides rules governing meetings, public participation therein, the keeping of minutes and other records of meetings, and public access to committee records and § 11.6 establishes remedy in the event of denial of access.

Section 11.7 requires the Department to provide necessary staff and other resources for committees within its administrative jurisdiction; appropriate Department officials to maintain records fully disclosing the disposition of all funds at the disposal of a committee; and establishes guidelines for compensating committee members and staff for their services and expenses.

Section 11.8 provides a method for the submission of advisory committee reports and other documents to the Library of Congress; § 11.9 places responsibility for the conduct of an annual review and report thereon of all advisory committees on the Department Committee Management Officer; and § 11.10 provides for the designation by the Secretary of a Department employee to implement this regulation.

Prior to the final adoption of these proposed rules, consideration will be given to any data, views, or arguments, pertaining thereto which are submitted in writing on or before March 10, 1975.

Comments should be addressed to:

Department Committee Management Officer, Department of Health, Education, and Welfare, Room 4036 North Building, 330 Independence Avenue, SW., Washington, D.C. 20201.

Comments received will be available for inspection at the Department's Information Center, Room 5319 at the above address.

Dated: January 17, 1975.

CASPAR W. WEINBERGER,
Secretary.

PART 11—COMMITTEE MANAGEMENT

Sec.

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AUTHORITY: 86 Stat. 770, 5 U.S.C. App. I et seq. and Office of Management and Budget Circular A-63, 39 FR 12389, April 5, 1974.

§ 11.1 Scope.

(a) This part contains the Department's regulations implementing the Federal Advisory Committee Act.

(b) The regulations provided under this part apply to all advisory committees providing advice to the Department or any of its officials except to the extent that statutory provisions governing an advisory committee may specifically provide otherwise.

§ 11.2 Definitions.

(a) "Act" means the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. I et seq.).

(b) "Advisory committee," subject to exclusions described in paragraph (b)(3) of this section means any committee, board, commission, council, conference, panel, task force, or other similar group or any subcommittee or other subgroup thereof which is established by statute or reorganization plan; or established or utilized by the Department in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government.

(1) In determining whether a group is an advisory committee, the following factors will be utilized:

(i) Fixed membership including at least one person who is not a full-time Federal employee;

(ii) Establishment by a Federal official or law; or if not Federally established, the initiative for its use as an advisory body for the Federal Government comes from a Federal official rather than from a private group;

(iii) A purpose of providing advice regarding a particular subject or particular subjects;

(iv) An organizational structure (e.g.), officers and a staff;

(v) Regular or periodic meetings.

(2) The functions of an advisory committee are to be solely advisory. Where a group provides some advice to the Department, but the group's advisory function is incidental and inseparable from other (e.g., operational) functions, the provisions of this part do not apply. However, if the advisory function is separable, the group is subject to this part to the extent that the group operates as an advisory committee.

(3) Groups excluded from the effect of the provisions of this part include:

(i) Any committee which is composed wholly of full-time officers or employees of the Federal Government;

(ii) Any committee which is exclusively operational in nature (e.g., has functions which include making or implementing decisions, as opposed to the offerings of advice or recommendations);

(iii) Any local civic group whose primary function is that of rendering a public service with respect to a Federal program;

(iv) Any State or local committee or similar group established to advise State or local officials or agencies;

(v) The term "advisory committee" is not intended to include persons or organizations which have contractual relationships with the Department except in those cases where the criteria described in paragraph (b)(1) of this section are present.

(c) "Department" means the Department of Health, Education, and Welfare.

(d) "Secretary" means the Secretary of Health, Education, and Welfare, or his designee.

(e) "OMB Secretariat" is the office within the Office of Management and Budget to administer the provisions of OMB Circular A-63.

(f) "Presidential advisory committee" means an advisory committee which advises the President.

(g) "Statutory advisory committee" is one established by the Congress or required to be established by the Congress.

(h) "Non-statutory advisory committee" is one established by the President or other Federal officer, including a committee which was authorized by, but not established by or required to be established by statute.

§ 11.3 General policies.

(a) In interpreting this part, Department officials will be guided by the Act and the intent of Congress in enacting the Act. These considerations include:

(1) Limiting the number of advisory committees to those that are essential and terminating any committee not fulfilling its purpose;

(2) Insuring effective use of advisory committees and their recommendations, while assuring that decisionmaking authority is retained by the responsible Department officers;

(3) Providing clear goals, standards and uniform procedures with respect to creation, operation, and duration of committees;

(4) Insuring that adequate information is provided to the President, the Congress and the public regarding advisory committees, and

(5) Insuring adequate opportunities for access by the public to advisory committee meetings.

(b) Department officials will be guided by the HEW Standards of Conduct (45 CFR 73.735), the Federal Personnel Manual, and the Federal Conflict of Interest statutes (18 U.S.C. 201 et seq.), in

preventing conflicts of interest or appearance of conflicts of interest on the part of Department employees concerned with advisory committees, advisory committee members and staff, and consultants and experts concerned with advisory committees.

§ 11.4 Guidelines for the creation and renewal of advisory committees.

(a) Advisory committees will be established by the Department only when they are determined to be essential. Their number will be kept to the minimum necessary. They will be terminated when they are no longer carrying out the purposes for which they were established or such purposes are no longer regarded as necessary to the operation of the Department.

(b) No advisory committee shall be established or renewed unless such establishment or renewal is specifically authorized by statute, or established by statute or the President, or determined as a matter of formal record by the Secretary (after written consultation with the OMB Secretariat) to be in the public interest in connection with the performance of duties imposed on the Department by law. In seeking such determination by the Secretary, the responsible official requesting establishment or continuance of an advisory committee will make a request in writing to the Secretary. The request shall describe the nature or purpose of the proposed committee and the reasons why it is needed, including an explanation of why the functions of the proposed committee cannot be performed by Department employees, by an existing committee, or by some other means.

(c) No advisory committee shall meet or take any action until:

(1) The establishment or renewal of the committee, in appropriate instances, has been approved by the OMB Secretariat;

(2) A formal charter has been approved by the Secretary;

(3) Public announcement of its establishment or renewal has been made in the FEDERAL REGISTER, at least fifteen days prior to the filing of the committee's charter with the Congress;

(d) Copies of the charter will be provided by the Department Committee Management Officer to the appropriate standing committees of the Senate and House of Representatives and to the Library of Congress. In the case of Presidential Committees a copy of the charter will also be provided to the Office of Management and Budget. The charter shall be in a form prescribed by the Department Committee Management Officer and shall contain the following information:

(1) The committee's official designation;

(2) The committee's objectives and the scope of its activity;

(3) The period of time necessary for the committee to carry out its purpose;

(4) The official to whom the committee reports;

(5) The person responsible for providing the necessary support for the committee;

(6) A description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;

(7) The estimated annual operating costs in dollars and man-years for such committee;

(8) The estimated number and frequency of committee meetings;

(9) The committee's termination date, if less than two years from the date of the committee's establishment; and

(10) The date the charter is approved by the Secretary.

(e) With regard to subgroups, if all of its members are members of the parent committee, requisite information may be set forth in the charter of the parent committee. In the event a subgroup includes members who are not all drawn from the parent committee, it must be separately chartered. In addition, if not incorporated in the charter of the parent committee, subgroups must be separately chartered.

(f) No advisory committee will be created if its functions could otherwise be performed effectively within the Department or by an existing committee.

(g) The membership of an advisory committee shall be fairly balanced in terms of the points of view represented and the committee's functions.

(h) No strict rule of proportional representation of the various types of groups is applicable. However, in regard to the selection of committee members, there shall be no discrimination on the basis of race, color, national origin, religion, age or sex.

(i) Appropriate safeguards shall be taken to assure that an advisory committee's advice and recommendations will not be inappropriately influenced by any special interest, but will instead be the result of the advisory committee's independent judgment.

(j) Each advisory committee shall prepare an annual report describing its membership, functions, recommendations and other actions. A copy of the report shall be submitted to the Department Committee Management Officer. This report will be made available by the Department Committee Management Officer to the public upon request.

(k) Unless specifically provided otherwise by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. For purposes of this provision, "Presidential directive" refers to an executive order, executive memorandum or an OMB directive.

(l) When an advisory committee has both advisory and operating functions and the two types of functions are separable, this part shall apply only to the advisory functions.

(m) Decisions regarding actions or policies relating to matters dealt with by a Department advisory committee shall be made solely by Department officials.

(n) No Department advisory committee which was in existence on January 5, 1973 will continue to exist after January 5, 1975 unless renewed prior to that date by action of the Congress, the President, or the Secretary, as appropriate. In the case of a committee continued by the Congress or the President beyond its scheduled termination date, a charter must be approved by the Secretary and the requirements set forth in paragraph (c) of this section complied with before any meeting is held. To renew a committee the Secretary shall determine that such renewal is necessary and inform the OMB Secretariat of his determination and the reasons for it. Renewal determinations shall be made not more than sixty days before the scheduled date of termination. If the OMB Secretariat concurs, the Department Committee Management Officer shall notify the responsible Department officials who shall publish notice of the renewal in the FEDERAL REGISTER. A new charter shall also be approved by the Secretary.

(o) Any advisory committee which is renewed may continue for no more than a two-year period unless prior to the expiration of that period it is renewed for another two-year period in accord with the above provisions.

(p) Each advisory committee established by the President or the Secretary after January 5, 1973, shall terminate not later than two years after its establishment unless prior to that time it is renewed by appropriate action.

§ 11.5 Operation of advisory committees.

(a) *Meetings.* The provisions of this section shall apply to meetings of all Department advisory committees and all subgroups.

(1) *Calling of meetings and agenda.* (i) No advisory committee shall hold any meetings except at the call of or with the advance approval of the designated Department official.

(ii) No meeting shall be held in the absence of a quorum. Unless otherwise established in the charter of the committee, a quorum shall consist of a majority of the committee's authorized membership.

(iii) Each meeting of an advisory committee shall be conducted in accordance with an agenda approved by the designated Department official. Ordinarily, copies of the agenda shall be distributed to the members of the committee prior to the date of the meeting. The agenda shall list the matters to be considered at the meeting and shall indicate whether any part of the meeting is concerned with matters which are within the exemptions of the Freedom of Information Act, 5 U.S.C. 552(b).

(2) *Notice of meeting.* (i) Except when the Director of the Office of Management and Budget determines otherwise for reasons of national security, or except as otherwise provided herein, no-

tice of each advisory committee meeting shall be published in the FEDERAL REGISTER at least fifteen days prior to the meeting. The fact that a meeting is closed to the public pursuant to paragraph 10(d) of Pub. L. 92-463 does not affect the foregoing requirement.

(a) The notice shall state the name of the advisory committee, the time and place of the meeting, and the purposes of the meeting and shall include a summary of the agenda.

(b) The notice shall state the extent to which the public will be permitted to attend or participate in the meeting. If the meeting will be closed to the public, the notice shall also state the reasons for closing, including appropriate citation to the Freedom of Information Act.

(c) This notice shall be provided by the Department official, or his designee, to whom the advisory committee reports. In the case of a Presidential advisory committee this notice shall be provided by the Executive Secretary of the committee.

(ii) In addition to notice in the FEDERAL REGISTER, other forms of notice shall be used to the extent practicable.

(iii) When a meeting must be called without fifteen days notice being given, the following steps shall be taken, to the extent possible:

(a) Advance notice shall be published in the FEDERAL REGISTER.

(b) Other forms of notice should be utilized whenever practicable.

(c) In the case of meeting notices published in accordance with paragraphs (a)(2)(iii) and (a) and (b) of this section, the notice must contain an explanation for the failure to give fifteen days notice.

(3) *Public participation at meetings.* (i) Subject to the exceptions described in paragraph (a)(6) of this section each advisory committee meeting shall be open to the public, and interested persons shall be permitted to attend, appear before, or file statements with any advisory committee.

(ii) The Executive Secretary of each committee shall, with respect to any advisory committee meeting, all or part of which is open to the public, assure compliance with the following rules:

(a) Meetings shall be held at reasonable times and places that are reasonably accessible to members of the public. Whenever feasible, Government facilities shall be used and meetings held in places involving the least expense to the Department.

(b) The size of the meeting room shall be reasonable, considering such factors as the size of the advisory committee, the number of members of the public expected to seek to attend, and the resources and facilities available to the Department.

(c) Any member of the public who wishes to do so shall be permitted to file a written statement with the committee, before or after a meeting.

(d) To the extent that the time available for a meeting permits, interested persons may be permitted to present oral statements. Any person seeking to present an oral statement to a committee may be required to obtain advance approval for such participation from the committee chairman or the committee's Executive Secretary.

(e) Participation by members of the public at committee meetings or questioning of committee members or other participants shall not be permitted except with the authorization of the committee chairman.

(4) *Minutes and transcripts of meetings.* (i) Detailed minutes shall be kept of each meeting of each advisory committee, including meetings of formal and informal subgroups. The Executive Secretary of each advisory committee shall keep the minutes or designate some person to keep the minutes. Minutes need not be kept if a verbatim transcript is made.

(ii) The minutes shall include at least the following: The time and place of the meeting; a list of advisory committee members and staff and Department employees present at the meeting; a detailed summary of matters discussed, including different positions advanced by members and conclusions reached by the committee; copies of all reports received, issued, or approved by the advisory committee; an explanation of the extent to which the meeting was open to the public; an explanation of the extent of public participation, including a list of members of the public who presented oral or written statements; and an estimate of the number of members of the public who attended the meeting.

(iii) Within a reasonable time after the meeting the minutes shall be completed and submitted to the chairman of the advisory committee.

(iv) Within a reasonable time after receipt of the minutes the chairman of the advisory committee shall certify to the accuracy of the minutes and submit them to the Department official advised by the committee.

(5) *Designated Department employee.* (i) Each advisory committee meeting will be attended by a Department employee designated by the Department official responsible for the Committee. Ordinarily, the employee so designated will serve the advisory committee on a continuing basis.

(ii) No advisory committee shall conduct a meeting in the absence of the designated Department employee. If simultaneous subgroup meetings are to be held, each subgroup shall have a designated Department employee in attendance.

(iii) The designated Department employee is authorized to adjourn any advisory committee meeting, whenever he determines adjournment to be in the public interest. Inter alia, the designated Department employee shall adjourn the meeting in the event of unwarranted departure from a meeting's agenda.

(6) *Closing advisory committee meetings.* (i) Subsection 10(d) of the Act provides that the provisions concerning open meetings and public participation shall not apply to any advisory committee which the President, or the head of the department to which the advisory committee reports, determines is concerned with matters listed in 5 U.S.C. 552(b). The Department's regulation implementing that Act is found at 45 CFR 5. Department officials shall be guided by the policies set forth in that regulation in making determinations to close meetings. In applying the provisions of 5 U.S.C. 552(b) to advisory committee meetings, liberal interpretations shall be assumed with respect to the openness of such meetings. Any determination to close a meeting (or portion) shall restrict such closing to the shortest reasonable time.

(ii) In applying the Freedom of Information Act exemptions to advisory committee meetings, the following rules shall be followed:

(a) If a meeting (or portion) will have the express purposes of discussing an existing document which is within one of the exemptions set forth in 5 U.S.C. 552(b), the meeting (or portion) may be closed to the public.

(b) Meetings closed solely on the basis that a document exempt from mandatory disclosure under exemption (5) (concerning intra-agency and inter-agency memoranda and letters) is to be discussed, may only be closed if the Secretary determines that it is essential to close such meeting (or portion) to protect the free exchange of internal views of committee members and avoid undue interference with Department or committee operation.

(c) A meeting (or portion) involving solely the internal expression of views and judgments of committee members, and not the discussion of an exempt document may be closed if a finding is made that it is essential to close the meeting (or portion) to protect the free exchange of members' views and avoid undue interference with Department or committee operations, and such views if reduced to writing would be protected from mandatory disclosure under section 552(b)(5) of Title 5 U.S.C. When feasible, the public shall be given an opportunity to present relevant information and views to the committee. Concurrence for closing such a meeting shall be obtained from the Office of the General Counsel and the Office of Public Affairs.

(d) If a meeting (or portion of a meeting) will have the express purpose of discussing a matter which is within one of the exemptions set forth in 5 U.S.C. 552(b), other than exemption (5), the meeting (or portion) may be closed to the public even though no specific exempt document is to be discussed.

(e) If the subject of a meeting will be such that paragraphs (a)(6)(ii) (a) through (d) inclusive above do not furnish a basis for closing it, the meeting shall be open to the public.

(f) When an advisory committee seeks to have a meeting (or portion) closed, the Executive Secretary shall make a request in writing for a determination by the Secretary. Such a request shall set forth the reasons why the meeting (or portion) should be closed. Whenever practical, the request shall be

submitted at least thirty days before the scheduled date of the meeting.

(g) If the Secretary finds the request to be warranted and in accord with the policy of the Act and the Freedom of Information Act, the request shall be granted. The determination made by the Secretary shall be in writing and contain specific reasons for closing the meeting (or portion). Determinations made by authorized designees must be reviewed and approved by the Office of the General Counsel and the Office of Public Affairs.

(h) If a meeting is to be held for the consideration of several separable matters, not all of which are within the exemptions of 5 U.S.C. 552(b), only the portion of the meeting dealing with exempt matters may be closed.

(i) When part of a meeting is to be closed, the agenda shall be arranged to facilitate attendance by the public at the open portion of the meeting.

(j) When a meeting (or portion) is closed, only members of the committee, its staff, and Federal employees shall be permitted to attend.

(k) When a meeting (or portion) is closed, members of the advisory committee shall not disclose the matters discussed except to other members of the advisory committee, the staff of the advisory committee or Department employees.

(l) The Department Committee Management Officer may review, after the meeting, the appropriateness of any determination to close a meeting (or portion) and require that corrective action be taken with respect to the particular advisory committee or general procedures concerning the closing of meetings.

(m) When a meeting (or portion) is closed, and detailed minutes are not to be made available in their entirety to the public, the advisory committee shall prepare and make available to the public within 14 days of the close of the meeting a summary of its activities and related matters which are informative to the public consistent with the policy of 5 U.S.C. 552(b). Notice of the availability of such a summary shall be incorporated in the notice of the meeting published in the FEDERAL REGISTER.

(b) *Access to records.* (1) All records, reports, and other documents of each advisory committee shall be available for public inspection and copying pursuant to the Department's public information regulation. Documents referred to herein include the records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda or other documents which were made available to or prepared for or by each advisory committee.

(2) Advisory committee records determined to be available for public inspection are to be made available for inspection and copying at a single location in the offices of the advisory committee or the Department organizational component to which the advisory committee reports. The advisory committee or appropriate Department organizational component shall make available to any person copies of transcripts of committee proceedings or meetings at cost determined in accordance with the appropriate fee schedule.

(3) Advisory committee records will be made available until the advisory committee ceases to exist. Disposition of advisory committee records after the termination of the committee shall be determined by the Department in accordance with applicable regulations.

§ 11.6 Administrative remedies.

(a) Any person whose request for access to an advisory committee document is denied may seek administrative review in accord with the Department's Freedom of Information Act regulation.

(b) Any person whose request for access to an advisory committee meeting is denied after publication of the notice of the meeting in the FEDERAL REGISTER may appeal to the appropriate official designated at 45 CFR 5.82. If the decision on appeal is adverse to the requestor concurrence of the Assistant Secretary for Public Affairs or his designee, shall be obtained.

§ 11.7 Administration of advisory committees.

(a) The Department shall provide support services, staff, quarters, supplies, funds (including, where appropriate, funds for the publication of reports), for each advisory committee within its administrative jurisdiction unless the establishing authority provides otherwise.

(b) Maintenance of financial records and uniform pay and expense guidelines.

(1) *Maintenance of records.* The Department official to whom a committee reports will be responsible for the maintenance of records fully disclosing disposition of all funds at the disposal of the committee and the nature and extent of its activities. The Comptroller General of the United States, or any of his authorized representatives, shall have access, for the purpose of audit and examination, to any such records.

(2) *Rates of pay.* (i) Members of all advisory committees shall be paid at rates fixed by the Secretary. In establishing the rate of pay, consideration will be given to the significance, scope and technical complexity of the matters with which the advisory committee is concerned and the qualifications required of the members of such a committee.

(ii) Staff members of an advisory committee shall be paid at an appropriate rate in the general schedule.

(iii) The pay for consultants and experts utilized by advisory committees shall be fixed after giving consideration to the qualifications required of the consultant or expert and the significance, scope, and technical complexity of the work to be undertaken by the consultant or expert. In no case shall the rate of pay to such a consultant or expert exceed the maximum rate of pay which the Department may generally pay experts and consultants under 5 U.S.C. 3109, or other law, including the statute establishing a committee.

(3) *Expenses.* The members of an advisory committee, or the staff of an advisory committee, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses including per diem in lieu of subsistence as authorized by 5 U.S.C. 5703 for persons employed intermittently in the government service.

§ 11.8 Submission of reports to Library of Congress.

(a) Subject to the provisions of the Freedom of Information Act, each advisory committee, through the Department Committee Management Officer, shall file eight copies of each of its reports with the Library of Congress.

(b) When the Department Committee Management Officer determines that it would be appropriate, background papers prepared by consultants for an advisory committee and other advisory committee documents may also be filed with the Library of Congress.

§ 11.9 Annual review; periodic reports.

(a) The Department shall conduct an annual review of all advisory committees within its administrative jurisdiction. The Department Committee Management Officer will be responsible for coordinating this review on behalf of the Secretary and for preparing a report on it for submission to the Office of Management and Budget in accordance with OMB Circular A-63.

(b) The Department Committee Management Officer shall coordinate the preparation of the Department's Annual Report on its advisory committees which shall be submitted annually to the General Services Administration as required by Executive Order 11769 dated February 21, 1974.

(c) The OMB Secretariat or the Department Committee Management Officer may, from time to time, require any Department advisory committee to submit periodic reports regarding its operations, including such matters as might be related to public access to committee meetings and committee records and the handling of any administrative complaints concerning such matters.

§ 11.10 Department committee management officer.

The Secretary shall designate a Department employee to implement this part and consult with the Office of Management and Budget on his behalf.

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PART III

ENVIRONMENTAL PROTECTION AGENCY

■

PLASTICS AND SYNTHETICS MANUFACTURING POINT SOURCE CATEGORY

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 324-5]

PART 416—PLASTICS AND SYNTHETICS POINT SOURCE CATEGORY

On September 20, 1974, notice was published in the FEDERAL REGISTER (39 FR 33889), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the ethylene vinyl acetate copolymers subcategory, the fluorocarbons subcategory, the polypropylene fiber subcategory, the alkyds and unsaturated polyester resins subcategory, the cellulose nitrate subcategory, the polyamides (Nylon 6/12) subcategory, the polyester resins (thermoplastic) subcategory, the silicones subcategory, the epoxy resins subcategory, the phenolic resins subcategory, and the urea and melamine resins subcategory of the plastics and synthetics category of point sources.

The purpose of this notice is to establish final effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources in the plastics and synthetics category of point sources by amending 40 CFR Chapter I, Subchapter N, Part 416 by adding thereto the ethylene vinyl acetate copolymers subcategory (Subpart N), the polytetrafluoroethylene subcategory (Subpart O), the polypropylene fiber subcategory (Subpart P), the alkyds and unsaturated polyester resins subcategory (Subpart Q), the cellulose nitrate subcategory (Subpart R), the polyamides (Nylon 6/12) subcategory (Subpart S), the polyester resins (thermoplastic) subcategory (Subpart T), and the silicones subcategory (Subpart U). This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c)); 86 Stat. 816 et seq.; Pub. L. 92-500. A regulation regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the ethylene vinyl acetate copolymers subcategory, the fluorocarbons subcategory, the polypropylene fiber subcategory, the alkyds and unsaturated polyester resins subcategory, the cellulose nitrate subcategory, the polyamides (Nylon 6/12) subcategory, the polyester resins (thermoplastic) subcategory, the silicones subcategory, the epoxy resins subcategory, the phenolic resins subcategory, and the urea and melamine resins subcategory. In addition, the regulation as proposed was supported by two other documents: (1) The Document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Synthetic Polymers Segment of the Plastics and Synthetics Manufacturing Point Source Category" (September, 1974) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, The Plastics and Synthetics Industry, Phase II" (September, 1974). These documents were made available to the public and circulated to interested persons shortly after the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

(a) *Summary of comments.* The following responded to the request for written comments contained in the preamble to the proposed regulation: Rohm and Haas Company, Manufacturing Chemists Association, Exxon Chemical Company, Union Carbide Corporation, Shell Oil Company, Stauffer Chemical Company, U.S. Department of Interior, U.S. Department of Commerce, Arco/Polymers Incorporated, State of New York Department of Environmental Conservation, Allied Chemical Corporation, Dow Corning Corporation, Monsanto Polymers and Petrochemicals Company, U.S. Industrial Chemicals Company, Dow Chemical Company, and the Effluent Standards and Water Quality Information Advisory Committee.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to them.

(1) Several commenters requested that the comment period be extended 30 days due to the delay of the Development Document after the proposed regulations appeared in the FEDERAL REGISTER.

Each commenter who requested an extension was sent a letter from the General Counsel's office explaining the EPA position on this matter. The Agency could not formally extend the public comment period in view of the court order requiring promulgation of final regulations. However, the commenters were informed that while the formal comment period had ended, the Agency would continue to accept comments and additional information and would make sincere efforts to give such comments and information the most attention and consideration possible. It is the policy of the Agency to encourage maximum public participation in its rulemaking and to this end opportunity is afforded to comment on the contractor's report and again on the proposed regulations. In addition, information received at any time is utilized to the maximum extent possible.

(2) Several commenters stated that the title of the proposed rules and the reference to "effluent limitations and guidelines" in the preamble implies authority beyond that stipulated in section 304(b) of Pub. L. 92-500. The commenters recommended that the title correctly refer to "effluent guidelines and standards" and that the promulgated rules not imply or assume authority other than that specified in the Act.

These regulations constitute effluent limitations pursuant to section 301 of the Act, as well as guidelines under section 304. They are, therefore, correctly referred to as effluent limitations and guidelines.

(3) Several commenters stated that the EPA "variance procedure", such as that set forth in § 416.152 (39 FR 33898), is not a workable and satisfactory mechanism.

This comment is a general one concerning the best practicable control technology currently available "variance procedure" and is applicable to all industries. The "variance procedure" is currently under public comment and judicial review (39 FR 28927), and will be answered in due course.

(4) Some commenters stated that the preamble indicates that the 10 mg/l basis for best available technology economically achievable (BATEA) TSS levels is derived from other industries and is, therefore, not applicable to the plastics industry. The commenter recommended that the BATEA limitation be based upon operating data on effluents from the industry subcategories affected.

For BATEA and for new source performance standards (NSPS) EPA set its limitations and standards based upon an effluent TSS concentration of 10 mg/1. This concentration is achievable by use of filtration techniques—including mixed media filtration. Mixed media filtration is a pollution control technique which is well established and is currently used with considerable success in a number of treatment works—including municipal systems and waste treatment systems used in the petroleum industry. The wastes from biochemical treatment systems consists mostly of microbial cells regardless of the original source of the raw wastes. Microbial cells have similar

solids removal characteristics. While it has not been demonstrated in the plastics and synthetics industry, the success shown in other uses convinces the Agency that mixed media filtration is fully adaptable to this industry and will achieve the effluent concentration required.

(5) Several commenters recommended that COD be deleted from proposed best practicable control technology currently available (BPCTCA) and NSPS rulemakings. The commenters stated that comment 16 of the preamble to the proposed regulations implies that no independent COD limit is intended.

The COD limitations were included in the proposed regulation because COD is a measure of the chemical byproduct waste of the manufacturing process and falls under the definition of pollutant contained in the Act [section 502(6)]. All of the 1977 COD limitations were non-controlling as to technology. That is, the COD limitations were such that adequate removal of BOD5 will usually result in adequate removal of COD. The numbers were derived from data showing the removal of COD which accompanies reduction of BOD5 to the levels set in the effluent limitations for each subcategory. A plant which is achieving the BOD5 removal required by the regulations need not use any additional technology to meet the proposed COD levels for BPCTCA. The presence of COD limitation nonetheless fulfills an important function by requiring adequate handling and treatment of discarded (bad) batches of reactants and products, so as to avoid shock or peak COD loadings which would be inadequately treated but would not be discovered by a BOD5 analysis. Also, the COD test is a much quicker and more convenient test for the presence of oxygen demanding pollutants than is the BOD5 test. However, since the BPCTCA (1977) COD limits are liberal and would be easily attainable if the BOD5 limits are met, they are being dropped as a limitation parameter for BPCTCA (1977). In order to promote the collection of data on the oxygen demanding parameters of BOD5, COD and TOC (total organic carbon), the Agency is planning to require that a majority of the plants in each subcategory monitor their raw waste loads and treated effluents for BOD5, COD and TOC. This date will be collected for a reasonable period at which time the Agency will consider reivising the limitations and standards. The requirement for a COD limit for NSPS will remain unchanged where the standards were based on demonstrated (or rationally transferable) attainable COD concentrations using NSPS technology. The NSPS COD limits for any subcategory that was based on an estimated COD/BOD5 ratio will be dropped from the regulation. (See revision 5)

(6) Several commenters stated that the proposed effluent limitations guidelines being proposed for ethylene-vinyl acetate (EVA) copolymer are significantly more rigid than those already promulgated for polyethylene homopolymer. The commenters suggested that EPA establish effluent limitations guidelines for the copolymer no more rigid than that promulgated for low density polyethylene. The commenters stated that the raw waste would be higher for copolymer rather than lower as suggested in the proposed regulations. Other comments on EVA were made in support of the commenters' suggestion.

The EVA comments were reviewed with respect to the EPA data base and the guidelines have been revised. (see revision 1).

(7) One commenter stated that provisions should be made in the regulations for alternate test procedures that will allow the Regional Administrator flexibility in setting parameter limits on individual point sources.

If a plant can show a direct relationship over a long period of time between BOD5, and COD, TOC or TOD, the parameter measurement of the COD, TOC, or TOD could be substituted for BOD5 if the COD, TOC, or TOD limitations are set such that the BOD5 limitation is not exceeded. This in no way negates the requirement of meeting an independent COD limitation where required.

(8) A commenter stated that a calendar month basis for the time period for compliance would be more reasonable than "thirty consecutive days."

The thirty consecutive days is a flexible requirement allowing the permit writer to set permit conditions that may run on a calendar month basis or, for example, from the 15th of one month to the 15th of the next.

(9) A commenter suggested that the 1983 guidelines should include the variance procedure appearing in 1977 guidelines.

The 1983 guidelines are subject to continuing review as required by the law. The need for a variance procedure for 1983 guidelines has not been demonstrated or established at this time. Also, see section 301(c) of the Act.

(10) A commenter stated that sales should not be a criteria for determining if a plant is meeting daily effluent limitations for the silicones subcategory.

Sales are not the criteria for determining a particular plant's limitations. Actual production is the basis for the limitations on the permit. Sales data were used only as part of the data base for determining effluent limitations guidelines and standards for the silicones industry.

(11) Several commenters stated that guidelines should be issued in the form of a range, not single numbers.

The plastics manufacturing industry has been categorized and subcategorized in such a manner as to take differences within the industry into account.

In total, four broad process oriented subcategories have been established for the plastics industry in which over twenty-four known product-process segments have been classified. Thirteen of the more significant of these segments were covered by the Phase I effluent limitations guidlines with twenty-seven different sets of values. Phase II covers eleven additional segments with fourteen different sets of limitations guidelines.

In establishing the various segments and sub-segments mentioned above and the associated effluent limitations guidelines, factors such as process, raw waste load, size, location, and age of plant were considered.

In addition, an individual may, in the case of the 1977 requirements, submit proper evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) requesting that the requirements be adjusted on the basis that factors related to such discharger are fundamentally different from those given consideration in the regulations and would adversely affect the ability of the particular facility to meet the established effluent limitations.

(12) Several commenters stated that allowances should be made for sources of wastes other than process effluent, e.g., housekeeping, stormwater runoff, once-through cooling water and spills.

In the case of all subcategories except EVA, the effluent limitations guidelines and standards represent process related wastes only such as direct contact process waste water, reaction waste water, housekeeping, spills, etc. It does not include once-through cooling water, cooling tower blowdown, and storm water runoff wastes. If stormwater is required to be collected and treated by state and local agencies, then allowances should be made for stormwater by such agency. The EVA subcategory includes cooling tower blowdown wastes.

(13) One commenter has suggested that EPA postpone promulgation of pretreatment standards for new sources until pretreatment standards for existing sources are published.

Section 307(c) of the Act requires the Agency to promulgate pretreatment standards for new sources at the same time that it promulgates new source performance standards under section 306. Therefore, EPA lacks authority to postpone promulgation of the new source pretreatment standards.

(14) A commenter stated that by incineration of materials containing silicone, silicone dioxide (SiO_2) is produced. Because the quantity of SiO_2 produced will vary with the quantity of silicone containing material incinerated, it is recommended the daily maximum allowance for total suspended solids (TSS) be 2.5 times the proposed 30 day average values.

The EPA data base supports the TSS limitations and includes variability factors of 2.2 for monthly and 4.0 for daily limits based on a long term attainable TSS wasteload. The daily maximum is not a function or multiple of the 30 day average maximum values. Both values are based on a multiple of a long term attainable TSS wasteload. (DD pp. 225–227).

(15) A commenter stated that the regulations for manufacturers of silicones should include limitations for oil and grease.

The EPA data base does not support a limitation on oil and grease for the silicones industry at this time.

(16) A commenter stated that the definition of the term fluorocarbons should be more precise. The commenter said that it is not clear what exactly is included in the subcategory. The commenter's suggested change in Subpart O is to "Fluoropolymers Subcategory."

A detailed review of the information available on the fluorocarbons subcategory indicated that the commenter was correct regarding the definition of fluorocarbons and as to the clarity of the application of the guidelines. Changes have been made to correct this. (see revision 2).

(17) Commenters stated that guidelines for silicone manufacturers must reflect the major processes at individual plants. The commenters stated that silicone plants have been subcategorized into "multi-product" plants and "fluid products" plants. One commenter stated that their plant had been subcategorized wrongly as a fluid products plant and presented data to support the fact that the plant is a multi-product plant.

These comments were considered and changes were made to the effluent limitations guidelines and standards as supported by the data base. (see revision 3).

(18) Questions have been raised concerning the availability of standards or guidelines applicable to the disposal of solid wastes resulting from the operation of pollution control systems.

The principles set forth in "Land Disposal of Solid Wastes Guidelines" (40 CFR Part 241) may be used as guidance for acceptable land disposal techniques. Potentially hazardous wastes may require special considerations to ensure their proper disposal. Additionally, state and local guidelines and regulations should be considered wherever applicable.

(b) *Revision of the proposed regulations prior to promulgation.* As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

(1) The ethylene vinyl acetate (EVA) copolymer subcategory effluent limitations and guidelines were changed to be consistent with the low density polyethylene (LDPE) effluent limitation and guidelines of subpart E of §§ 416.52(a), 416.53(a), and 416.54. These changes were based on additional review of the industry data base and the fact that EVA copolymers are manufactured in the same equipment as LDPE and in most cases make up only a small percentage of the plant's total production of LDPE and EVA.

(2) The fluorocarbons subcategory was changed to the polytetrafluoroethylene subcategory and the description of applicability for this subcategory was changed in order to provide additional clarity as to the applicability of the subpart.

(3) The subdivisions in the silicones subcategory were changed from fluid products and multi-products to one silicones subcategory with wasteload allocations for different products or product mixes. This change was made based on new data supplied by a company that had been classified as a fluid products plant. The new data reclassified the company as a multi-product plant and changed the data basis for the original fluid and multi-product subdivision. The waste allocations for the different product mixes is the best description of the industry based on the current data base.

(4) Economic impact review has not been completed for the phenolic resins subcategory, epoxy resins subcategory, and melamine and urea resins subcategory. These three subcategories will be promulgated at a later date.

(5) The requirement for a COD limit for BPCTCA (1977) has been removed from the regulation. The COD standard for new sources for the polytetrafluoroethylene and polyamide (nylon 6/12) subcategories has been removed from the regulation. (See comment 5.)

(c) *Economic impact.* The changes that were made to the proposed regulations for the plastics and synthetics manufacturing category do not substantially affect the economic analysis. The changes detailed above result in the effluent limitations and standards being less stringent. These revisions would tend to make the costs slightly less for those affected subcategories. However, these changes would not affect the conclusions of the economic impact study.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the synthetic polymers segment of the plastics and synthetics manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Synthetic Polymers Manufacturing Segment of the Plastics and Synthetics Point Source Category" (December, 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines Plastics and Synthetics Industry, Phase II" (September 1974). Implementing the limitations will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the plastics and synthetics industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) *Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.* In conformance with the requirements of Section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Synthetic Polymers Manufacturing Segment of the Plastics and Synthetics Point Source Category," will be published and will be available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee.

Copies of the final economic analysis document will be available from the National Technical Information Service, Springfield, VA 22151.

(f) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, Part 416, Plastics and Synthetics Manufacturing Point Source Category, is hereby amended by adding additional subparts N, O, P, Q, R, S, T and U to read as set forth below. This regulation is being promulgated pursuant to an order of the Federal District Court for the District of Columbia entered in Natural Resources Defense Council, Inc. v. Train (Cv. No. 1609–73). That order requires that effluent limitations requiring the application of best practicable control technology currently available for this industry be effective upon publication. Accordingly, good cause is found for the final regulation promulgated below establishing best practicable control technology currently available for each subpart to be effective on January 23, 1975.

The final regulation promulgated below establishing the best available technology economically achievable, the standards of performance for new sources and the new source pretreatment standards shall become effective February 24, 1975.

Date: January 9, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart N—Ethylene-Vinyl Acetate Copolymers Subcategory

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416.141 Specialized definitions.
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416.145 Standards of performance for new sources.
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416.155 Standards of performance for new sources.
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416.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
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416.205 Standards of performance for new sources.
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Subpart N—Ethylene-Vinyl Acetate Copolymers Subcategory

§ 416.140 Applicability; description of the ethylene-vinyl acetate copolymers subcategory.

The provisions of this subpart are applicable to discharges resulting from the reaction of vinyl acetate and ethylene and associated processing to manufacture ethylene vinyl acetate copolymers.

§ 416.141 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 416.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily value for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.39	.20
TSS	1.0	.55
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.39	.20
TSS	1.0	.55
pH	Within the range 6.0 to 9.0.	

§ 416.143 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable;

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.39	.19
COD	2.48	1.65
TSS	.16	.14
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.20	.19
COD	2.48	1.65
TSS	.16	.14
pH	Within the range 6.0 to 9.0.	

§ 416.144 [Reserved]

§ 416.145 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.35	.18
COD	3.5	1.8
TSS	.19	.13
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.35	.18
COD	3.5	1.8
TSS	.19	.13
pH	Within the range 6.0 to 9.0.	

§ 416.146 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the ethylene vinyl acetate copolymers subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.145: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart O—Polytetrafluoroethylene Subcategory

§ 416.150 Applicability; description of the polytetrafluoroethylene subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of granular and fine powder grades of polytetrafluoroethylene, including manufacture of monomer from precursor chlorodifluoromethane, and associated processing.

§ 416.151 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 416.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	7.0	3.6
TSS	18	9.9
Fluorides	1.2	.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	7.0	3.6
TSS	18	9.9
Fluorides	1.2	.6
pH	Within the range 6.0 to 9.0.	

§ 416.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	3.3	2.2
COD	5.9	4.0
TSS	1.8	1.6
Fluorides	1.2	.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	3.3	2.2
COD	5.9	4.0
TSS	1.8	1.6
Fluorides	1.2	.6
pH	Within the range 6.0 to 9.0.	

§ 416.154 [Reserved]

§ 416.155 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	1.6	.80
TSS	.83	.57
Fluorides	1.2	.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	1.6	.80
TSS	.83	.57
Fluorides	1.3	.67
pH	Within the range 6.0 to 9.0.	

§ 416.156 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the polytetrafluoroethylene subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128–133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.155; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart P—Polypropylene Fiber Subcategory

§ 416.160 Applicability; description of the polypropylene fiber subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of polypropylene fibers from polypropylene and associated processing.

§ 416.161 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 416.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.78	.40
TSS	2.0	1.1
O&G	1.0	.5
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.78	.40
TSS	2.0	1.1
O&G	1.0	.5
pH	Within the range 6.0 to 9.0.	

§ 416.163 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.33	.22
COD	.59	.40
TSS	.18	.16
O&G	.18	.092
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.33	.22
COD	.59	.40
TSS	.18	.16
O&G	.18	.092
pH	Within the range 6.0 to 9.0.	

§ 416.164 [Reserved]

§ 416.165 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.08	.04
COD	.14	.07
TSS	.04	.03
O&G	.033	.017
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.08	.04
COD	.14	.07
TSS	.04	.03
O&G	.033	.017
pH	Within the range 6.0 to 9.0.	

§ 416.166 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the polypropylene fiber subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.165; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart Q—Alkyds and Unsaturated Polyester Resins Subcategory

§ 416.170 Applicability; description of the alkyds and unsaturated polyester resins subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of alkyds and unsaturated polyester resins and associated processing.

§ 416.171 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 416.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharge effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.60	.33
TSS	.40	.22
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.60	.33
TSS	.40	.22
pH	Within the range 6.0 to 9.0.	

§ 416.173 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.14	.10
COD	.74	.52
TSS	.04	.03
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.14	.10
COD	.74	.52
TSS	.04	.03
pH	Within the range 6.0 to 9.0.	

§ 416.174 [Reserved]

§ 416.175 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent Characteristic	Effluent Limitations: Maximum for any one day	Effluent Limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.03	.02
COD	.20	.11
TSS	.008	.006
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.03	.02
COD	.20	.11
TSS	.008	.006
pH	Within the range 6.0 to 9.0.	

§ 416.176 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the alkyds and unsaturated polyester resins subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the

purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.175; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart R—Cellulose Nitrate Subcategory

§ 416.180 Applicability; description of the cellulose nitrate subcategory.

The provisions of this subpart are applicable to discharges resulting from the reaction of fibrous cellulose and a mixture of sulfuric and nitric acids and associated processing to manufacture cellulose nitrate.

§ 416.181 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 416.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements, and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	26	14
TSS	17	9.4
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	26	14
TSS	17	9.4
pH	Within the range 6.0 to 9.0.	

§ 416.183 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily value for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	9.4	6.9
COD	47	34
TSS	2.5	2.1
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	9.4	6.9
COD	47	34
TSS	2.5	2.1
pH	Within the range 6.0 to 9.0.	

§ 416.184 [Reserved]

§ 416.185 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	11	6.0
COD	54	30
TSS	2.7	1.8
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	11	6.0
COD	54	30
TSS	2.7	1.8
pH	Within the range 6.0 to 9.0.	

§ 416.186 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the cellulose nitrate subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.185; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart S—Polyamide (Nylon 6/12) Subcategory

§ 416.190 Applicability; description of the polyamide (nylon 6/12) subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of Nylon 6/12 and associated processing.

§ 416.191 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 416.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to col-

lect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD_5	1.2	.66
TSS	.80	.44
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD_5	1.2	.66
TSS	.80	.44
pH	Within the range 6.0 to 9.0.	

§ 416.193 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD_5	.50	.37
COD	2.6	1.9
TSS	.13	1.11
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
BOD_5	.50	.37
COD	2.6	1.9
TSS	.13	.11
pH	Within the range 6.0 to 9.0.	

§ 416.194 [Reserved]

§ 416.195 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent Characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD_5	.67	.37
TSS	.17	.11
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD_5	.67	.37
TSS	.17	.11
pH	Within the range 6.0 to 9.0.	

§ 416.196 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the polyamides (nylon 6/12) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.195; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart T—Polyester Resins (Thermoplastic) Subcategory

§ 416.200 Applicability; description of the polyester resins (thermoplastic) subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of the saturated polyester polymers based on poly (ethylene terephthalate) and poly (butylene terephthalate) and associated processing.

§ 416.201 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 416.202 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared

to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	1.4	.78
TSS	.95	.52
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	1.4	.78
TSS	.95	.52
pH	Within the range 6.0 to 9.0.	

§ 416.203 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.59	.44
COD	3.1	2.3
TSS	.16	.14
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.59	.44
COD	3.1	2.3
TSS	.16	.14
pH	Within the range 6.0 to 9.0.	

§ 416.204 [Reserved]

§ 416.205 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.80	.44
COD	12	6.5
TSS	.20	.14
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.80	.44
COD	12	6.5
TSS	.20	.14
pH	Within the range 6.0 to 9.0.	

§ 416.206 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the polyester resins (thermoplastic) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.205; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart U—Silicones Subcategory

§ 416.210 Applicability; description of the silicones subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of silicone fluids, greases, emulsions, rubber and resins and associated processing.

§ 416.211 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 416.212 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, the following limitations establish the

quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of silicone fluids by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily value for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	1.9	1.0
TSS	1.25	.69
Cu	.010	.005
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	1.9	1.0
TSS	1.25	.69
Cu	.010	.005
pH	Within the range 6.0 to 9.0.	

(2) An additional allocation for silicone plants which manufacture silicone greases, emulsions, rubbers and resins, the following quantity or quality of pollutant parameter may be discharged in addition to the limitation set forth in subparagraph (1) of this paragraph:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	24	13.2
TSS	16	8.8
Cu	.13	.067
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	24	13.2
TSS	16	8.8
Cu	.13	.067
pH	Within the range 6.0 to 9.0.	

(3) An additional allocation for silicone plants who manufacture silicone coupling agents, the following quantity or quality of pollutant parameters may be discharged in addition to the limitation set forth in subparagraphs (1) and (2) of this paragraph:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	15	8.2
TSS	10	5.4
Cu	.084	.042
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	15	8.2
TSS	10	5.4
Cu	.084	.042
pH	Within the range 6.0 to 9.0.	

§ 416.213 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(1) Except as provided in subparagraph (2) of this paragraph, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by the manufacture of silicone fluids by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.78	.57
COD	4	3
TSS	.21	.18
Cu	.0052	.0026
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.74	.57
COD	4	3
TSS	.21	.18
Cu	.0052	.0026
pH	Within the range 6.0 to 9.0.	

(2) An additional allocation for silicone plants which manufacture silicone greases, emulsions, rubbers, resins and coupling agents, the following quantity or quality of pollutant parameter may be discharged in addition to the limitation set forth in subparagraph (1) of this paragraph:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	8.8	6.4
COD	45.5	33.4
TSS	2.3	2.0
Cu	.058	.029
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	8.8	6.4
COD	45.5	33.4
TSS	2.3	2.0
Cu	.058	.029
pH	Within the range 6.0 to 9.0.	

§ 416.214 [Reserved]

§ 416.215 Standards of performance for new sources.

(1) Except as provided in subparagraph (2) of this paragraph, the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by the manufacture of silicone fluids by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	1.0	.57
COD	8.5	4.7
TSS	.26	.18
Cu	.0052	.0026
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	1.0	.57
COD	8.5	4.7
TSS	.26	.18
Cu	.0052	.0026
pH	Within the range 6.0 to 9.0.	

(2) An additional allocation for silicone plants who manufacture silicone greases, emulsions, rubbers, resins, and coupling agents, the following quantity

or quality of pollutant parameter may be discharged in addition to the limitation set forth in subparagraph (1) of this paragraph:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD_5	10	5.5
COD	82	45
TSS	2.5	1.7
Cu	.050	.025
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD_5	10	5.5
COD	82	45
TSS	2.5	1.7
Cu	.050	.025
pH	Within the range 6.0 to 9.0.	

§ 416.216 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the silicones subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

"In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.215: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

[FR Doc.75-2057 Filed 1-22-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 416]

[FRL 324-6]

PLASTICS AND SYNTHETICS MANUFACTURING POINT SOURCE CATEGORY

Pretreatment Standards for Existing Sources

Notice is hereby given that pretreatment standards for existing sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA or Agency). On April 5, 1974, EPA promulgated a regulation adding Part 416 to Chapter 40 of the Code of Federal Regulations (39 FR 12502). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the plastics and synthetics manufacturing point source category. The regulation proposed below will amend 40 CFR Part 416—plastics and synthetics manufacturing point source category by adding § 416.144 the ethylene vinyl acetate copolymers subcategory (Subpart N), § 416.154 the polytetrafluoroethylene subcategory (Subpart O), § 416.164 the polypropylene fiber subcategory (Subpart P), § 416.174 the alkyds and unsaturated polyester resins subcategory (Subpart Q), § 416.184 the cellulose nitrate subcategory (Subpart R), § 416.194 the polyamides (nylon 6/12) subcategory (Subpart S), § 416.204 the polyester resins (thermoplastic) subcategory (Subpart T), and § 416.214 the silicones subcategory (Subpart U) pursuant to section 307(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317(b) and (c), 1251, 1317(b)), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously with this proposed rule making EPA is promulgating final regulations which establish the above listed subparts.

(a) *Legal authority.* Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR Part 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. Sections 416.144, 416.154, 416.164, 416.174, 416.184, 416.194, 416.204, and 416.214 proposed below establish pretreatment standards for existing sources within the ethylene vinyl acetate copolymers subcategory (Subpart N), the polytetrafluoroethylene subcategory (Subpart O), the polypropylene fiber subcategory (Subpart P), the alkyds and unsaturated polyester resins subcategory (Subpart Q), the cellulose nitrate subcategory (Subpart R), the polyamides (nylon 6/12) subcategory (Subpart S), the polyester resins (thermoplastic) subcategory (Subpart T), and the silicones subcategory (Subpart U) of the plastics and synthetics manufacturing point source category.

(b) *Summary and basis of proposed pretreatment standard for existing sources.* The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the final regulation for the ethylene vinyl acetate copolymers subcategory (Subpart N), the polytetrafluoroethylene subcategory (Subpart O), the polypropylene fiber subcategory (Subpart P), the alkyds and unsaturated polyester resins subcategory (Subpart Q), the cellulose nitrate subcategory (Subpart R), the polyamides (nylon 6/12) subcategory (Subpart S), the polyester resins (thermoplastic) subcategory (Subpart T), and the silicones subcategory (Subpart U) which is promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the final regulation is incorporated herein by reference. The proposed regulation set forth below proposes pretreatment standards for pollutants introduced into the publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Sections 416.144, 416.154, 416.164, 416.174, 416.184, 416.194, 416.204, and 416.214 of the regulation proposed below are intended to implement the concepts of 40 CFR 128.133, by stating specific limitations for pollutants which may be discharged to publicly owned treatment plants based upon best practicable control technology currently available. This is accomplished by setting § 128.133 aside and substituting the specific limitation.

Operators of publicly owned treatment works and other interested persons should refer to the Federal Guidelines: Pretreatment of Pollutants Introduced into Publicly Owned Treatment Works, published pursuant to section 304(f) of the Act, for guidance on local pretreatment requirements and information on those aspects of pretreatment not amenable to a Federal standard.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Synthetic Polymers Segment of the Plastics and Synthetics Manufacturing Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's advance notice of public review procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

(c) *Summary of public participation.* As described in the "Development Document," the process wastes from the ethylene vinyl acetate copolymers subcategory, the polytetrafluoroethylene subcategory, and the polypropylene fibers subcategory have waste loads which are generally compatible with joint treatment works. The alkyds and unsaturated polyester resins subcategory, the cellulose nitrate subcategory, the polyamide (nylon 6/12) subcategory, the polyester resins (thermoplastic) subcategory, and the silicones subcategory have high process waste loads of BOD5 and COD. Since joint treatment works are designed to treat BOD5 and the BOD5 portion of the COD, these wastes are considered compatible. However, if a joint treatment works has difficulty in meeting its NPDES permit conditions for BOD5 and COD, the operator may require, at their option, pretreatment in the high process waste load product subcategories of the plastics and synthetics category in order to assist them in meeting their NPDES

permit conditions. The silicones subcategory requires pretreatment for the removal of copper.

A full listing of participants and discussion of comments and responses is included in the preamble of the final regulation for Subpart N through U being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of section 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. A copy of preliminary draft contractor reports, the development document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before February 24, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: January 9, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 416 is proposed to be amended as follows:

* * * * *

1. Subpart N is amended by adding § 416.144 as follows:

§ 416.144 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the ethylene vinyl acetate copolymers subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.
COD	Do.

2. Subpart O is amended by adding § 416.154 as follows:

§ 416.154 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the polytetrafluoroethylene subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.
COD	Do.
Fluorides	Do.

3. Subpart P is amended by adding § 416.164 as follows:

§ 416.164 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the polypropylene fiber subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD 5	Do.
TSS	Do.
Oil and grease	100 mg/l.
COD	No limitation.

4. Subpart Q is amended by adding § 416.174 as follows:

§ 416.174 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the alkyds and unsaturated polyester resins subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD 5	Do.
TSS	Do.
COD	Do.

5. Subpart R is amended by adding § 416.184 as follows:

§ 416.184 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the cellulose nitrate subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD 5	Do.
TSS	Do.
COD	Do.

6. Subpart S is amended by adding § 416.194 as follows:

§ 416.194 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source

within the polyamide (nylon 6/12) subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.
COD	Do.

7. Subpart T is amended by adding § 416.204 as follows:

§ 416.204 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the polyester resins (thermoplastic) subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.
COD	Do.

8. Subpart U is amended by adding § 416.214 as follows:

§ 416.214 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the silicones subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.
COD	Do.
Copper	1 mg/l.

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PART IV

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Low-Income Housing

■

Section 8 Housing Assistance Payments Program—Existing Housing

Title 24—Housing and Urban Development

CHAPTER VIII—LOW-INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-398]

PART 1275—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

Notice was given on December 10, 1974, at 39 FR 43179 that the Department of Housing and Urban Development (HUD) was proposing to amend Title 24 of the Code of Federal Regulations by adding a new Part 1275 to Chapter VIII.

The purpose of Part 1275 is to set forth the essential elements of the Section 8 Housing Assistance Payments Program—Existing Housing, including, among other things, the roles and responsibilities of HUD, public housing agencies (PHAs), Owners, and Eligible Lower- and Very Low-Income Families (Families); the basis for determining the amount of housing assistance payments; and the prescribed forms and procedures.

HUD has received more than 50 responses to the December 10, 1974 publication. All of these comments were seriously considered and many changes have been incorporated in these regulations, as a result. The principal changes are set forth below.

1. Section 1275.101(b) has been revised to clarify the relationship between Part 1275 and housing under Annual Contribution Contracts (ACCs) on January 1, 1975.

2. The definition of "Eligible Family," as set forth in § 1275.102(g), has been modified to clarify that disabled persons are included within this term.

3. The definition of "Gross Family Contribution," as set forth in § 1275.102(j), has been modified to clarify that this is the amount payable by the Family before deduction of the shopping incentive credit, where applicable.

4. A definition of the term "HUD" has been added in a new § 1275.102(o) to include HUD's designee.

5. Section 1275.103(a), which sets forth the "finders-keepers" policy, has been modified to require (rather than only to authorize) the PHA to provide assistance in finding units to Families who are unable to locate approvable units because of discrimination.

6. Section 1275.103(b), which sets forth provisions respecting the ACC, has been modified by adding a new § 1275.103(b)(3) stating that HUD, in addition to providing for a project reserve, will take additional steps authorized by section 8(c)(6) of the U.S. Housing Act of 1937 to assure the availability of funds to cover increases in housing assistance payments. (See also § 1.4(c)(2) of Appendix I.)

7. Section 1275.103(c)(2)(i) has been modified to increase the percent of Contract Rent payable in the event a family vacates its unit in violation of the lease from 70 to 80 percent. (See section 1.3c(1) of Appendix II.)

8. Section 1275.103(d)(1)(i), which sets forth the procedures under which Fair Market Rents may be exceeded by up to 20 percent, has been clarified.

9. Section 1275.103(d)(2), regarding subsequent adjustments in Contract Rents, has been modified to require that each Owner's request for such adjustments be accompanied by a certification signed by the owner and the family that the unit is in decent, safe, and sanitary condition and that the owner is otherwise in compliance with the lease. (See section 1.8a of Appendix II.)

10. Section 1275.103(d)(2)(ii), the provision authorizing special additional adjustments under limited circumstances, has been clarified. (See section 1.8a(2) of Appendix II.)

11. Section 1275.103(h), which sets forth provisions relating to the types of housing which may be utilized under this part, has been modified by (a) explicitly providing that owner-occupied units may not receive section 8 assistance, and (b) revising and clarifying the procedures under which assistance under Part 1275 may be provided with respect to units in a section 221(d)(3) below market interest rate (BMIR), section 202, or section 236 project.

12. Section 1275.103(i), which sets forth equal opportunity requirements, has been revised to clarify that the provisions of section 3 of the Housing and Urban Development Act of 1968 are applicable only to the PHA.

13. Section 1275.103(j) has been modified to permit the owner to require each family to make a security deposit in an amount equal to the amount payable by the family toward one month's gross rent. (See section 1.7 of Appendix II.)

14. Section 1275.103(l), which sets forth the provisions relating to the requirement that the PHA administer the program so that at least 30 percent of the families for whom leases are approved are very low-income families, has been clarified.

15. The definitions of "large family" and "very large family," as used in § 1275.103(m) for purposes of identifying those families for whom housing assistance payments will equal the difference between 15% of gross income and the gross rent, have been modified as follows:

(1) The term "large family" means a family which includes six or more minors (other than the head of the family or the spouse), and

(2) The term "very large family" means a family which includes eight or more such family members.

16. Section 1275.103(n), which sets forth the provisions relating to the shopping incentive credit, has been modified to eliminate the provisions that (1) the credit be limited to the initial term of the lease and (2) the dollar amount of the credit not be changed with subsequent changes in the gross family contribution.

17. Section 1275.103(q), which sets forth the responsibilities of the owner, has been modified by, among other things, the elimination of the requirement for HUD approval of a contract with another entity for the performance of owner services.

18. Section 1275.103(r)(2), respecting amendment to ACCs to provide for additional units, has been clarified as to the manner by which the maximum annual contribution of the revised project will be calculated.

19. A new § 1275.105 has been added to provide procedures and policies (including special fair market rents) for utilization under this part of certain recently constructed or substantially rehabilitated housing.

20. Section 1275.207(a)(1), respecting public notice to lower-income families, has been clarified and modified so that, among other things, (1) notice to occupants of housing assisted under the United States Housing Act of 1937, applicants on waiting lists for any such housing, and holders of Certificates of Family Participation for such housing will be accomplished through the public notice and (2) such public notice will state that all such families must apply specifically if they wish to be considered for a certificate under Part 1275.

21. The contents of the certificate holder's packet, as described in § 1275.207(d), have been expanded to include equal opportunity complaint forms, information as to the gross family contribution, appropriate fair market rents and shopping incentive credit, the PHA's schedule of allowances for utilities and other services, and information as to recently completed housing, if any.

22. Section 1275.207(g), which sets forth the policies and procedures respecting continued participation when an assisted family moves, has been clarified.

23. Section 1275.207(o), respecting evictions, has been clarified with regard to minimizing PHA delay in making its determination on whether or not to authorize an eviction. (See section 1.5 of Appendix II.)

24. The provisions respecting required maintenance and security services by the owner have been clarified by deleting the proposed Appendix VIII and revising sections 1.6(c) of Appendix II and c of Appendix VI.

In view of the necessity for having limited the original comment period to fifteen days because of the statutory requirement that these regulations be made effective as of January 1, 1975, comments on these regulations will be received until February 24, 1975. Promptly thereafter, HUD will make such modifications in these regulations as it deems appropriate. Comments should be addressed to the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. A copy of each communication will be available for public inspection during regular business hours at the above address.

In order to comply with the aforementioned statutory requirement, the Assistant Secretary for Housing Production and Mortgage Credit/FHA Commissioner has determined that these regulations be made effective as of January 1, 1975.

Effective date. These regulations are effective as of January 1, 1975. Accordingly, Title 24 is amended as follows:

A new Part 1275, Section 8 Housing Assistance Payments—Existing Housing, is added to Chapter VIII to read as set forth below.

Subpart A—Applicability, Scope and Basic Policies

Sec.
1275.101. Applicability and scope.
1275.102. Definitions.
1275.103. Basic policies.
1275.104. Direct HUD administration of programs under this part.
1275.105. Recently completed housing.

Subpart B—Project Development and Operation

Sec.
1275.201. Allocations of contract authority to field offices.
1275.202. Program mix (new construction, substantial rehabilitation, existing housing).
1275.203. Invitations for existing housing program applications.
1275.204. Submission of application.
1275.205. Evaluation of application.
1275.206. Annual contributions contract.
1275.207. Project operation.
1275.208. HUD review of contract compliance.
1275.209. PHA reporting requirements. [Reserved].

Appendices

NOTE.—Various prescribed forms which relate to internal HUD processing procedures are not included herein, but will appear in the HUD Existing Housing Handbook.

I. Annual contributions contract.
II. Housing Assistance Payments Contract.
III. Certificate of Family Participation.
IV. Request for lease approval.
V. Agency determination with respect to request for lease approval.
VI. Required lease provisions.
VII. Prohibited lease provisions.
VIII. Family's dwelling unit inspection report.
IX. Owner's dwelling unit inspection report.

AUTHORITY: Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); section 5(b) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(b)); section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f).

Subpart A—Applicability, Scope and Basic Policies

§ 1275.101 Applicability and scope.

(a) *General.*

(1) The policies and procedures contained herein are applicable to the making of Housing Assistance Payments on Behalf of Eligible Families leasing Existing Housing pursuant to the provisions of section 8 of the U.S. Housing Act of 1937 ("Act").

(2) For the purpose of this part, "Existing Housing" means housing that is in decent, safe, and sanitary condition except that it does not include housing: (1) Which is covered by an Agreement to Enter into Housing Assistance Payments Contract or by a Housing Assistance Payments Contract under 24 CFR Part 1272, 1273, 1276, or 1277, or (2) which is owned by the PHA administering the ACC under this part, or (3) which is subsidized under other provisions of the Act. Occupancy of housing which requires repairs in order to be made decent, safe, and sanitary may be assisted under this part only after such repairs have been made. (See also Sec. 1275.207(j)(4).)

(b) *ACCs in Effect on January 1, 1975.* With respect to all housing under ACCs (including uncommitted leasing authorizations) in effect on January 1, 1975, other than newly constructed or substantially rehabilitated section 23 housing and PHA-owned housing in existence or committed by that date:

(1) The PHA shall submit by June 30, 1975, or in any event in connection with any request for an amendment to an ACC, (i) a recommendation for continuing such housing under the previous ACC authorization with a justification that it is in the Government's interest to do so, or (ii) a schedule for orderly conversion of such housing to housing assisted under this Part. If an amendment to an ACC is requested by the PHA, the request will not be considered unless it is accompanied by the submission.

(2) Until the PHA's submission required by this paragraph (b) is approved by HUD:

(i) No leases for additional units shall be entered into;

(ii) Leases for unoccupied units shall be terminated as quickly as possible consistent with the legal rights of Owners; and

(iii) Leases for occupied units shall not be extended or modified for a term exceeding one year unless the Owner has the right to renew the lease without concurrence of the PHA.

(3) The provisions of this paragraph (b) shall not apply to ACCs implementing the HUD Experimental Housing Allowance Program.

§ 1275.102 Definitions.

(a) *Allowance for Utilities and Other Services ("Allowance").* An amount determined by the PHA as an allowance for the cost of utilities (except telephone) and charges for other services payable directly by the Family. Where the Family pays directly for one or more utilities or services, the amount of the Allowance is deducted from the Gross Rent in determining the Contract Rent and is included in the Gross Family Contribution.

(b) *Annual Contributions Contract ("ACC").* A written agreement between HUD and a PHA to provide annual contributions to the PHA to cover housing assistance payments and other expenses pursuant to the Act. (See Appendix I.)

(c) *Certificate of Family Participation.* A certificate issued by the PHA declaring a Family to be eligible for participation in this program and stating the terms and conditions for such participation.

(d) *Congregate Housing.* Housing in which some or all of the dwelling units do not have kitchen facilities and connected with which there is a central dining facility to provide meals for the occupants.

(e) *Contract Rent.* The rent payable to the Owner under his Contract including the portion of the rent payable by the Family. In the case of a cooperative, the term "Contract Rent" means charges under the occupancy agreements between the members and the cooperative.

(f) *Decent, Safe, and Sanitary.* Housing is Decent, Safe, and Sanitary if the performance requirements outlined in § 1275.103(g) are met.

(g) *Eligible Family ("Family").* A family which qualifies as a Lower-Income Family and which meets the other requirements of the Act and this part. The term Family includes an elderly, handicapped, disabled, or displaced person and the remaining member of a tenant family as defined in section 3(2) of the Act. A Family's eligibility for housing assistance payments continues until the amount payable by the Family toward the Gross Rent equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in income or rents or other relevant circumstances during the term of the Contract..

(h) *Existing Housing.* See Sec. 1275.-101(a)(2).

(i) *Fair Market Rent.* The rent, including utilities (except telephone), ranges and refrigerators, and all maintenance, management, and other services, which, as determined at least annually by HUD, would be required to be paid in order to obtain privately owned, existing, Decent, Safe, and Sanitary rental housing of modest (non-luxury) nature with suitable amenities. Separate Fair Market Rents shall be established for dwelling units of varying sizes (number of bedrooms) and types (e.g., elevator, non-elevator).

(j) *Gross Family Contribution.* The portion of the Gross Rent payable by an Eligible Family (i.e., the difference between the amount of the Housing Assistance Payment payable on Behalf of the Family and the Gross Rent), before deduction of shopping incentive credit, where applicable.

(k) *Gross Rent.* The Contract Rent plus any Allowance for Utilities and Other Services.

(l) *HCD Act.* The Housing and Community Development Act of 1974.

(m) *Housing Assistance Payments Contract ("Contract").* A written contract between a PHA and an Owner for the purpose of providing housing assistance payments to the Owner on behalf of an Eligible Family. (See Appendix II.)

(n) *Housing Assistance Payment on Behalf of Eligible Family.* The amount of housing assistance payment on behalf of an Eligible Family determined in accordance with schedules and criteria established by HUD. (See § 1275.103(m).)

(o) *HUD.* The Department of Housing and Urban Development or its designee.

(p) *Income.* Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

(q) *Lease.* A written agreement between an Owner and an Eligible Family

for the leasing of an Existing Housing unit in accordance with the Contract, which agreement is in compliance with the provisions of this part.

(r) *Local Housing Assistance Plan.* A housing assistance plan submitted by a unit of general local government and approved by HUD under section 104 of the HCD Act or, in the case of a unit of general local government not participating under Title I of the HCD Act, a housing plan which contains the elements set forth in section 104(a)(4) of the HCD Act and which is approved by the Secretary as meeting the requirements of section 213 of that Act.

(s) *Lower-Income Family.* A Family whose income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller or larger Families, except that HUD may establish income limits higher or lower than 80 percent on the basis of its findings that such variations are necessary because of the prevailing levels of construction costs, unusually high or low incomes, or other factors.

(t) *Owner.* Any person or entity, including a cooperative, having the legal right to lease or sublease Existing Housing.

(u) *Public Housing Agency ("PHA").* Any State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of housing for low-income Families.

(v) *Secretary.* The Secretary of Housing and Urban Development.

(w) *Very Low-Income Family.* A Family whose income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger Families.

§ 1275.103 Basic policies.

(a) *"Finders-Keepers" Policy.* A holder of a Certificate of Family Participation shall be responsible for finding an Existing Housing unit suitable to the holder's needs and desires in any area within the PHA's jurisdiction. A holder of a Certificate may select the dwelling unit which the holder already occupies if the unit qualifies as Existing Housing. A PHA may provide assistance in finding units for those Families who, because of age, handicap, or other reasons, are unable to locate approvable units and shall provide such assistance where the Family alleges that discrimination is preventing it from finding a suitable unit, any such assistance to be in accordance with the PHA's approved equal opportunity housing plan.

(b) *Annual Contributions.*

(1) The maximum total annual contributions that may be contracted for in the ACC for Existing Housing shall not exceed: (i) the total of the Fair Market Rents for all the units plus (ii) a fee for the regular costs of PHA administration. HUD-approved preliminary costs shall be payable out of this total.

(2) A project account will be established and maintained, in an amount as determined by the Secretary consistent with his responsibilities under section 8(c)(6) of the Act. This account shall be established and maintained by HUD as a specifically identified and segregated account, and payment shall be made therefrom only for the following purposes:

(i) Housing assistance payments;

(ii) The amount of the fee for regular PHA costs of administration; and

(iii) Other costs specifically authorized or approved by the Secretary.

(3) In addition, the ACC will provide that HUD will take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to assure availability of funds to cover increases in housing assistance payments payments on a timely basis as a result of increases in Contract Rents or decreases in Family incomes.

(c) *Housing Assistance Payments to Owners*—(1) *General.* Housing assistance payments shall be paid to an Owner in accordance with his Contract for the dwelling unit under lease by an Eligible Family. These housing assistance payments will cover the difference between the Contract Rent and the portion of said rent payable by the Family as determined in accordance with HUD-established schedules and criteria.

(2) *Vacated Units.*

(i) If an Eligible Family vacates its unit in violation of the provisions of the Lease or tenancy agreement, the Owner shall receive housing assistance payments in the amount of 80 percent of the Contract Rent for a vacancy period not exceeding 60 days or the expiration or other termination of the Lease or tenancy agreement, whichever comes first; provided, however, that if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 80 percent payments, results in more than the Contract Rent, such excess shall be payable to HUD or as HUD may direct; and provided further, that if the vacancy is the result of action by the Owner, the Owner shall not receive any payment under this paragraph if his action was in violation of the Lease or the Contract or any applicable law or if the Owner failed to comply with § 1275.207(o).

(ii) The Owner shall not be entitled to any payment under this paragraph (c)(2) unless he: (A) Immediately upon learning of the vacancy, has notified the PHA of the vacancy or prospective vacancy, (B) has taken and continues to take all feasible actions to fill the vacancy including, but not limited to, contacting applicants on his waiting list, if any, requesting the PHA and other appropriate sources to refer eligible applicants, and advertising the availability of the unit and (C) has not rejected any eligible applicant, except for good cause acceptable to the PHA.

(iii) The Owner shall not be entitled to housing assistance payments with respect to vacant units under this paragraph (c)(2) to the extent he is entitled to payments from other sources (for example, payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the HCD Act or payments under §1275.103(j)).

(d) *Maximum Rents to Owner.*—(1) *Initial Maximum Rents.* (i) For any Existing Housing unit, the sum of the Contract Rent and any Allowance for Utilities and Other Services shall not exceed the applicable Fair Market Rent except that such Fair Market Rent may be exceeded by up to 10 percent if the PHA certifies that such higher rent meets the test of reasonableness in paragraph (d)(1)(ii), specifies the factor(s) on which the certification is based, and HUD approves. Upon request by the PHA, the Fair Market Rent may be exceeded by up to 20 percent in a designated area, where the Assistant Secretary for Housing-Production and Mortgage Credit determines that special circumstances, such as prevailing rents for modest housing, in a designated area, warrant such higher rents or determines that such higher rents are necessary to the implementation of a Local Housing Assistance Plan.

(ii) In addition, the PHA shall determine and so certify that the Contract Rent does not exceed a rent that is reasonable in relation to the location, quality, amenities, facilities, and management and maintenance services of the dwelling unit.

(2) *Subsequent Adjustments.* Contract Rents shall be adjusted as provided in paragraphs (d)(2)(i) and (ii) upon request to the PHA by the Owner, provided that such request is accompanied by a certification signed by the Owner and the Family that the unit is in Decent, Safe, and Sanitary condition and that the Owner is otherwise in compliance with the terms of the Lease.

(i) An adjustment as of any anniversary date of the Lease not to exceed the percentage of change in the applicable published Fair Market Rent (with appropriate reduction in the adjustment where utilities are paid directly by the Family), provided that the Owner has the legal right to terminate the tenancy as of such anniversary date.

(ii) A special adjustment, subject to HUD approval, effective as of the date when the Owner has the legal right to terminate the tenancy, to reflect increases in the actual and necessary expenses of owning and maintaining the unit which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by the annual adjustments provided for in paragraph (d)(2)(i). The Owner shall submit financial statements to the PHA which clearly support the increase.

(iii) Notwithstanding any other provisions of this Part, adjustments as provided in this paragraph (d)(2) shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the PHA (and approved by HUD, in

the case of adjustments under paragraph (d)(2)(ii)).

(e) *Term of ACC.* The term of the ACC shall be for five years, as provided in Appendix I.

(f) *Term of Lease and of Housing Assistance Payments Contract.* The Lease shall be for not less than one year nor more than three years but may contain a provision permitting termination upon 30 days advance written notice by either party. The term of the Contract shall be for the term of the Lease, provided that if a Family continues in occupancy after the expiration of the term on the same terms and conditions as the original Lease (or changes thereto which have been approved by the PHA and incorporated in the Contract where appropriate), the Contract shall continue in effect for the duration of such tenancy subject to the limitations in the next sentence. The specified Contract and Lease term, including specified renewal options, if any, and any continuation of tenancy beyond the Lease term shall in no case exceed three years or extend beyond the term of the ACC pertaining to the Contract and the Lease. This limitation shall not preclude the execution of a new Lease and Contract for the dwelling unit.

(g) *Housing Quality Standards.* Housing used in this program shall meet the Performance Requirements set forth in this paragraph (g). In addition, the housing must meet the Acceptability Criteria (set forth in this paragraph (g)) except for such variations as are proposed by the PHA and approved by HUD. Local climatic or geological conditions or local codes are examples which may justify such variations.

(1) *Sanitary Facilities*—(i) *Performance Requirement.* The dwelling unit shall include its own sanitary facilities which are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste.

(ii) *Acceptability Criteria.* A flush toilet in a separate, private room, a fixed basin with hot and cold running water, and a shower or tub with hot and cold running water shall be present in the dwelling unit, all in proper operating condition. These facilities shall utilize an approved public or private disposal system.

(2) *Food Preparation and Refuse Disposal*—(i) *Performance Requirement.* The dwelling unit shall contain suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary.

(ii) *Acceptability Criteria.* A cooking stove or range, a refrigerator of appropriate size for the unit, and a kitchen sink with hot and cold running water shall be present in proper operating condition within the unit. The sink shall drain into an approved public or private system. Adequate space for the storage, preparation and serving of food shall be provided. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

(3) *Space and Security*—(i) *Performance Requirement.* The dwelling unit shall afford the Family adequate space and security.

(ii) *Acceptability Criteria.* A living room, kitchen area, and bathroom shall be present; and the dwelling unit shall contain at least one sleeping room or living/sleeping room of appropriate size for each two persons. Exterior doors and windows accessible from outside the unit shall be lockable.

(4) *Thermal Environment.*—(i) *Performance Requirement.* The dwelling unit shall have and be capable of maintaining a thermal environment healthy for the human body.

(ii) *Acceptability Criteria.* The dwelling unit shall contain safe heating and/or cooling facilities which are in proper operating condition and can provide adequate heat and/or cooling to each room in the dwelling unit appropriate for the climate to assure a healthy living environment. Unvented room heaters which burn gas, oil or kerosene are unacceptable.

(5) *Illumination and Electricity.*—(i) *Performance Requirement.* Each room shall have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. Sufficient electrical sources shall be provided to permit use of essential electrical appliances while assuring safety from fire.

(ii) *Acceptability Criteria.* Living and sleeping rooms shall include at least one window. A ceiling or wall type light fixture shall be present and working in the bathroom and kitchen area. At least two electric outlets, one of which may be an overhead light, shall be present and operable in the living area, kitchen area, and each bedroom area.

(6) *Structure and Materials*—(i) *Performance Requirement.* The dwelling unit shall be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the occupants from the environment.

(ii) *Acceptability Criteria.* Ceilings, walls and floors shall not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other serious damage. The roof structure shall be firm and the roof shall be weathertight. The exterior wall structure and exterior wall surface shall not have any serious defects such as serious leaning, buckling, sagging, cracks or holes, loose siding, or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., shall be such as not to present a danger of tripping or falling. Elevators shall be maintained in safe and operating condition.

(7) *Interior Air Quality*—(i) *Performance Requirement.* The dwelling unit shall be free of pollutants in the air at levels which threaten the health of the occupants.

(ii) *Acceptability Criteria.* The dwelling unit shall be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful air pollutants. Air circulation shall be adequate throughout the unit. Bathroom areas shall have at least one openable window or other adequate exhaust ventilation.

(8) *Water Supply*—(i) *Performance Requirement.* The water supply shall be free from contamination.

(ii) *Acceptability Criteria.* The unit shall be served by an approved public or private sanitary water supply.

(9) *Lead Based Paint*—(i) *Performance Requirement.*

(A) The dwelling unit shall be in compliance with HUD Lead Based Paint regulations, 24 CFR Part 35, issued pursuant to the Lead Based Paint Poisoning Prevention Act, 42 U.S.C. 4801, and the Owner shall provide a certification that the dwelling has been treated in accordance with such HUD regulations.

(B) If the property was constructed prior to 1950, the Owner shall provide a certification that the Family upon occupancy will receive the notice required by HUD Lead Based Paint regulations and procedures regarding the hazards of lead based paint poisoning, the symptons and treatment of lead poisoning and the precautions to be taken against lead poisoning and a certification that records showing receipt of such notice by each tenant will be maintained for at least three years.

(ii) *Acceptability Criteria.* Same as Performance Requirement.

(10) *Access*—(i) *Performance Requirement.* The dwelling unit shall be useable and capable of being maintained without unauthorized use of other private properties, and the building shall provide an alternate means of egress in case of fire.

(ii) *Acceptability Criteria.* The dwelling unit shall be useable and capable of being maintained without unauthorized use of other private properties. The building shall provide an alternate means of egress in case of fire (such as fire stairs or egress through windows).

(11) *Site and Neighborhood*—(i) *Performance Requirement.* The site and neighborhood shall be reasonably free from disturbing noises and reverberations and other hazards to the health, safety, and general welfare of the occupants.

(ii) *Acceptability Criteria.* The site and neighborhood shall not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazards or mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.

(12) *Sanitary Condition*—(i) *Performance Requirement.* The unit and its equipment shall be in sanitary condition.

(ii) *Acceptability Criteria.* The unit and its equipment shall be free of vermin and rodent infestation.

(15) *Congregate Housing.* The foregoing standards shall apply except for the requirement that food preparation and serving facilities be included within the dwelling unit. All units shall contain a refrigerator of appropriate size. The central dining facility (and kitchen facility, if any) shall contain suitable space and equipment to store, prepare and serve food in a sanitary manner, and there shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

(h) *Types of Housing.*

(1) Any type of Existing Housing may be utilized under this Part except as set forth below.

(2) No section 8 assistance may be provided with respect to any Owner-occupied unit; however, cooperatives are considered rental housing for this purpose.

(3) Congregate Housing may be utilized or eligible elderly, handicapped, disabled or displaced families and individuals. The Fair Market Rent for Congregate Housing shall be the same as for 0- and 1-bedroom units (as appropriate) of the same structure type, and the Contract Rent shall not include the cost of providing and serving food.

(4) Existing FHA insured, section 202 direct loan, Farmers Home Administration insured or direct loan, or VA guaranteed properties, or properties held by the Secretary or properties sold by the Secretary on which he has taken back a purchase money mortgage, may be utilized under this Part; provided, however, that in any section 221(d)(3) below market interest rate (BMIR), section 202, or section 236 project, (i) units receiving assistance under section 23 and/or rent supplement programs may continue to receive such assistance; and (ii) units not receiving such assistance may receive section 8 assistance only after approval by the Assistant Secretary for Housing Production and Mortgage Credit and the Assistant Secretary for Housing Management on a case by case basis, and in such cases the number of units assisted under section 8 (together with any section 23 and/or rent supplement units), will generally be limited to 20 percent of the units in each such project. The housing assistance payment shall be the amount by which the rent payable by the Eligible Family is less than the subsidized rent (which subsidy shall not be reduced by the section 8 payment). In no event may any occupant receive the benefit of more than one of the following: rent supplement, section 23 housing assistance, or section 8 housing assistance.

(i) *Equal Opportunity Requirements.* Participation in this program requires compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063 and all rules, regulations, and requirements issued pursuant thereto. The PHA shall comply with section 3 of the Housing and Urban Development Act of 1968 and all applicable rules, regulations, and requirements.

(j) *Security and Utility Deposits.* (1) An Owner may require Families to pay a security deposit in an amount equal to the amount payable by the Family toward one month's Gross Rent. If a Family vacates the unit, the Owner may utilize the deposit as reimbursement for any unpaid rent or other amount owed under the Lease. If the Family has provided a security deposit, and it is insufficient for such reimbursement, the Owner may claim reimbursement from the PHA, not to exceed an amount equal to the remainder of one month's Contract Rent. If a family vacates the unit owing no rent or other amount under the Lease, or if such amount is less than the amount of the security deposit, the Owner shall refund the full amount or the unused balance, as the case may be, to the Family.

(2) In those jurisdictions where interest is payable by the Owner on security deposits, the refunded amount shall include the amount of interest payable. The Owner must comply with all State and local laws regarding interest payments on security deposits.

(3) Families shall be expected to obtain the funds to pay security and utility deposits, if required, from their own resources and/or other private or public sources.

(k) *Establishment of Income Limit Schedules.* HUD will establish schedules of income limits for defining Lower-Income Families and Very Low-Income Families.

(l) *30 Percent of Assisted Families To Be Very Low-Income Families.* Each PHA shall so administer its Existing Housing program under this Part, including the issuance of a sufficient number of Certificates to Very Low-Income Families, so that at least 30 percent of the Families for whom Leases are approved by the PHA are Very Low-Income Families; *Provided, however,* That in connection with periodic reexamination of Family income, the PHA shall ascertain whether at least 30 percent of all the assisted Families are Very Low-Income Families; and where the percentage is lower than 30 percent, the PHA shall thereafter use its best efforts in connection with subsequent issuance of Certificates of Family Participation to achieve at least a 30 percent level.

(m) *Establishment of Amount of Housing Assistance Payments.* The amount of Housing Assistance Payment on Behalf of an Eligible Family, to be determined in accordance with schedules and criteria established by HUD, will equal the difference between (1) no less than 15 percent nor more than 25 percent of the Family's gross income and (2) the Gross Rent, taking into consideration the income of the Family, the number of minor children in the household, and the extent of medical or other unusual expenses incurred by the Family, except that, in the case of a large Very Low-Income Family or a very large Lower-Income Family or a Family with exceptional medical or other expenses, the amount of the housing assistance payment shall be the difference between 15 percent of the Family's gross income and the Gross Rent. The term large Family means a Family which includes six or more minors (other than the head of the Family or spouse). The term very large Family means a Family which includes eight or more minors (other than the head of the Family or spouse). The amount of the housing assistance payment shall be adjusted, where appropriate, to reflect the shopping incentive credit pursuant to paragraph (n) of this section.

(n) *Shopping Incentive-Family Credit for Savings of Government Assistance Payments.* (1) As an incentive to Families to find the most economical housing suitable to their needs and approvable under this Part, if a Family selects a unit (other than a unit receiving the benefit of Federal, State or local subsidy) for which the Owner's proposed Contract Rent plus any applicable Allowance is below the applicable Fair Market Rent, the Family will be given credit (Shopping Incentive Credit) by a reduction in its required monthly Gross Family Contribution.

(2) The amount of the monthly Shopping Incentive Credit shall be the dollar amount equal to that percentage of the Gross Family Contribution which the Rent Saving is of the Fair Market Rent. The Rent Saving is the amount by which the Fair Market Rent (i) exceeds the approved Contract Rent (plus any applicable Allowance), or (ii) exceeds the initially proposed Contract Rent (plus any applicable Allowance), if that be higher than the approved Contract Rent (plus any applicable Allowance).

(o) *Responsibilities of the PHA.* In administering its ACC with HUD, the PHA (subject to review or audit by HUD) shall be responsible for the following:

(1) Publication and dissemination of information concerning the availability and nature of housing assistance for Lower-Income Families;

(2) Public invitation of Owners to make dwelling units available for leasing by Eligible Families and development of working relationships and contacts with landlords and appropriate associations and groups;

(3) Receipt and review of applications for Certificates of Family Participation and maintenance of a waiting list in accordance with this part;

(4) Issuance of Certificates of Family Participation to Eligible Families;

(5) Notification of families determined to be ineligible;

(6) Provision to each Certificate holder of basic information on applicable housing quality standards and inspection procedures, search for and selection of housing, landlord and tenant responsibilities, and basic program rules including the operation of the "shopping incentive;"

(7) Determination of amounts of Gross Family Contributions and credits, if any, pursuant to section 1275.103(n);

(8) Determination of amounts of housing assistance payments;

(9) Review of and action on Requests for Lease Approval;

(10) Making of housing assistance payments;

(11) Reexaminations of Family income, composition, and extent of exceptional medical or other unusual expenses, and redeterminations, as appropriate, of the amount of Family contribution and amount of housing assistance payment in accordance with HUD-established schedules and criteria;

(12) Redeterminations of amount of Family contribution and amount of housing assistance payment in accordance with HUD-established schedules and criteria as a result of an adjustment by the PHA of any applicable Allowance for Utilities and Other Services;

(13) Inspections prior to leasing and inspections at least annually to determine that the units are maintained in Decent, Safe, and Sanitary condition, and notifications to Owners and Families of PHA determinations;

(14) Authorization of evictions (see section 1275.207(o));

(15) Administration and enforcement of contracts with Owners and taking of appropriate actions in case of noncompliance or default; and

(16) Compliance by the PHA with equal opportunity requirements.

(p) *Responsibility of the Family.* A Family receiving housing assistance under this program shall be responsible for fulfilling all its obligations under the Certificate of Family Participation issued to it by the PHA and under the Lease with the Owner.

(q) *Responsibilities of the Owner.* The Owner shall be responsible (subject to review or audit by the PHA or HUD) for performing all of his obligations under the Contract and Lease. The Owner's responsibilities shall include but not be limited to:

(1) Performance of all management and renting functions;

(2) Payment for utilities and services (unless paid directly by the Family);

(3) Performance of all ordinary and extraordinary maintenance;

(4) Collection of Family rents;

(5) Preparation and furnishing of information required under the Contract; and

(6) Compliance by the Owner with equal opportunity requirements. Any owner may contract with any private or public entity to perform such services for a fee, provided that such contract shall not shift any of the owner's responsibilities or obligations, and provided further that no such contract may be entered into with an entity which is responsible for administration of the contract.

(r) *Single ACC.* (1) All of the Existing Housing units administered by a PHA under the Housing Assistance Payments Program shall be assigned a single project number and shall be administered under a single ACC Part I.

(2) In the event that a PHA applies for additional Existing Housing units, the units, if approved, shall be incorporated into a revised Part I of the ACC which shall cover the PHA's entire Housing Assistance Payments Program for Existing Housing. The revised Part I shall be for a new term for the aggregate number of units starting with the date of execution of the revised ACC Part I. When the PHA applies for additional units, it shall specify the number of years for which the aggregate number of units is needed and shall demonstrate such need. On the basis of such showing, HUD shall determine whether the new term for the aggregate number of units shall be five years or such lesser number of years as HUD may find to be justified. The maximum annual contribution of the revised project shall be the sum of (i) the maximum annual contribution for the project prior to the revision, plus (ii) the amount approved for the additional units which shall be computed on the basis of the current Fair Market Rents.

§ 1275.104 Direct HUD administraion of programs under this part.

(a) If, after publishing an invitation in accordance with § 1275.203, no application is received by HUD, by the deadline date, for operation of an Existing Housing program in the area, or if the only applications received are not approvable, the HUD field office shall make such further inquiry, including advice and offer of assistance, as in its judgment may result in the submission of an approvable application by a PHA.

(b) If, on the basis of such further inquiry and all other pertinent information available to the HUD field office, HUD determines that there is no PHA organized or that there is no PHA able and willing to implement the provisions of this part for an area, HUD may, pursuant to section 8(b)(1) of the Act, enter into Contracts with owners and perform the functions otherwise assigned to PHAs under this part with respect to such area.

§ 1275.105 Recently completed housing.

(a) Until December 31, 1975, for any area in which HUD determines that new construction or substantial rehabilitation is justified (see 24 CFR 1273.103(a) and 1277.103(a), respectively) but that there are one or more projects of newly constructed or substantially rehabilitated housing completed subsequent to December 31, 1972 ("Recently Completed Housing"), with substantial vacancies of extended duration, HUD may, for a specified maximum number of units:

(1) Establish Fair Market Rents for such Recently Completed Housing at 75 percent of the Fair Market Rents for new construction then in effect; and

(2) Authorize the PHA to publicize the availability of such Fair Market Rents for the specified number of units of Recently Completed Housing, invite Owners of such projects to qualify their units as Recently Completed Housing, and inform holders of Certificates of Family Participation of the locations of such Housing and of the applicable Fair Market Rents.

(b) All provisions of this part, not specifically modified by this section, shall be applicable to housing under this section.

Subpart B—Project Development and Operation

§ 1275.201 Allocations of contract authority to field offices.

HUD will allocate to field offices contract authority for the Section 8 Housing Assistance Payments Program for metropolitan areas and for non-metropolitan areas in conformance with section 213(d) of the HCD Act.

§ 1275.202 Program mix (new construction, substantial rehabilitation, existing housing).

Each field office shall, after considering the contents of Local Housing Assistance Plans and any other pertinent information which it has or which is brought to its attention, in relation to the factors set forth in section 213(d) of the HCD Act, determine the number and types of units to be advertised for new construction and for substantial rehabilitation, and to be made available for existing housing.

§ 1275.203 Invitations for existing housing program applications.

(a) *Publication.* The HUD filed office shall initiate implementation of its program with respect to Existing Housing by publishing invitations for Existing Housing program applications in accordance with a schedule established by the field office. Such publications shall be at least once a week on the same day or days of each of two consecutive weeks in a newspaper(s) of general circulation serving the area(s) for which the applications are desired. In addition HUD shall promptly notify minority media, minority organizations involved in housing and community development, and fair housing groups. To the extent feasible, HUD may also notify appropriate PHAs the chief executive officer of the appropriate unit(s) of general local government, trade journals and other non-minority media. Copies of each invitation shall be available in the HUD field office.

(b) *Contents of Invitation.* The invitation shall indicate: (1) That applications may be submitted by public housing agencies (i.e., any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing), (2) the maximum number of units, (3) the geographic area, (4) the deadline for submission of applications (which shall be at least 30 but not more than 60 calendar days after the date of the first publication in the newspaper of general circulation), (5) the fact that application and other forms and copies of program regulations may be obtained from the field office, (6) the fact that if no application is received by the deadline date, HUD may determine to carry out the Existing Housing program directly, pursuant to section 8(b)(1) of the Act, and (7) such

other basic information as the field office may specify.

§ 1275.204 Submission of application.

The application for an Existing Housing program shall be submitted by a PHA to the HUD field office. Advice and assistance in the preparation of the application are available from the HUD field office. The application shall be in the form prescribed by HUD and shall require the applicant to:

(a) Indicate the types of Existing Housing (e.g., elevator, nonelevator) likely to be utilized in the proposed program and whether authorization for the use of Recently Completed Housing is desired (see § 1275.105).

(b) Indicate the total number of units expected to be utilized by unit size (i.e., one bedroom units, two bedroom units, etc.) and the approximate number of units to be for occupancy by elderly, handicapped, or disabled.

(c) Demonstrate that the program requested in paragraph (b) of this section is consistent with the applicable Local Housing Assistance Plan, or, in the absence of such a Plan, that the proposed program is responsive to the condition of the housing stock in the community and the housing assistance needs of Lower-Income Families (including the elderly, handicapped, and disabled, large Families and those displaced or to be displaced) residing in or expected to reside in the community.

(d) Demonstrate that the applicant qualifies as a "public housing agency" and is legally qualified and authorized to participate in the proposed section 8 Existing Housing program for the area in which the Existing Housing program is to be carried out and include in such demonstration (1) the relevant enabling legislation, (2) any rules and regulations adopted or to be adopted by the agency to govern its operations, and (3) a supporting opinion from the agency counsel.

(e) Submit an equal opportunity housing plan which shall set forth the PHA's policies and procedures for encouraging the participation of Owners of units in areas other than low-income or minority concentrated areas, for advertising, and for making known to families who might be eligible for assistance the opportunity for applying for Certificates of Family Participation and the PHA's policies and procedures (including preferences and priorities, if any) for issuance of such Certificates. Such plan shall be in conformance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 and Executive Order 11063 and shall include policies, if any, for carrying out its responsibilities for rehousing displaced Families.

(f) Submit a statement that the housing quality standards to be used in the operation of the program will be as set forth in § 1275.103(g) or that variations in the Acceptability Criteria are proposed. In the latter case, each proposed variation shall be specified and justified.

(g) Submit the proposed schedule of Allowances for Utilities and Other Services with a justification of the amounts proposed.

(h) Propose a schedule specifying the number of units to be leased by the end of each three-month period, for purposes of § 1275.206(c).

§ 1275.205 Evaluation of application.

(a) *Initial Screening.* Promptly after receipt of an application, the HUD field office will check whether or not the application is complete. If an application is incomplete, the PHA will be so notified and will be given until the deadline date or, if necessary, a reasonable time thereafter, within which to complete the application.

(b) *Notice to Unit of General Local Government.* Within 10 days of receipt of each completed application by the HUD field office, the field office will forward, under cover of a letter in the prescribed form, a copy of such application to the chief executive officer (or such designee as such officer may designate in writing to the HUD field office) of the unit of general local government in which the proposed Existing Housing program is to be carried out. The cover letter will invite a response within 30 days.

(c) *Evaluation of Applications.* HUD may begin its evaluation immediately upon receipt of the application, but no final decision of approval or disapproval of the application may be made until after the deadline for receipt of applications or the end of the opportunity for response referred to in paragraph (b) of this section, whichever is later. Each application will be evaluated by HUD on the basis of all pertinent factors under this Part, including comments, if any, received during the comment period from the unit of general local government. If there are two or more approvable applications for a program for a particular area, HUD shall determine on what basis to distribute the units among such applicants, or if it determines that such distribution is not feasible, HUD shall determine which application shall be approved.

(d) *Disapproval, Conditional Approval, or Approval of Applications.* If an application is disapproved, HUD shall notify the applicant by letter indicating in detail the reasons for disapproval. If an application can be approved only if certain changes are made, HUD shall notify the applicant by letter stating that the application can be approved if the PHA adopts, within a reasonable time as determined by HUD, the changes required by HUD. If an application is approved, the applicant shall be sent a Notification of Application Approval, utilizing the prescribed form. This Notification will state, among other things, that authorization for preparation of an ACC has been requested, and that, upon receipt of such authorization, an ACC will be prepared and forwarded to the PHA for execution by it.

§ 1275.206 Annual contributions contract.

(a) *Transmittal of ACC.* After the HUD field office has prepared the ACC, shown as Appendix I, the ACC shall be transmitted to the PHA for execution by the PHA. The letter of transmittal shall advise the PHA that after the ACC has been executed by the PHA, it shall be returned to HUD together with the PHA's estimates of its financial requirements on the prescribed forms.

(b) *Execution of ACC by HUD.* After receipt of the PHA-executed ACC and the accompanying financial estimates, HUD shall review the estimates and, if approved, shall execute the ACC. HUD then shall transmit a fully executed copy of the ACC together with a leasing schedule in accordance with paragraph (c) of this section.

(c) *Expeditious Leasing.* The ACC shall include a provision relating to expeditious leasing of units under the program. HUD will review the PHA-proposed schedule specifying the number of units that are expected to be leased by the end of each three-month period, and will make such changes as it may deem appropriate. In its transmittal of the ACC to the PHA, HUD will include the HUD-approved schedule. This schedule will be established so as to implement HUD policy that all units in a section 8 Existing Housing program of 100 units or more must be leased by Eligible Families within 12 months. In the case of smaller programs, a shorter time period may be established by HUD. Failure of the PHA to demonstrate a good faith effort to adhere to this schedule will be considered a basis for reduction by HUD of the number of units and amount of HUD's annual contributions commitment.

§ 1275.207 Project operation.

(a) *Public Notice to Lower-Income Families; Waiting List.* (1) Promptly after receiving the executed ACC, and thereafter as may be necessary, the PHA shall make known to the public through publication in a newspaper of general circulation as well as through minority media and other suitable means, the availability and nature of housing assistance for lower-income families (including assistance with respect to units already occupied by the families) and the notice shall inform such families where they may apply for Certificates of Family Participation.

(i) The notice shall also state that occupants of housing assisted under the Act (including leased housing and housing occupied with assistance under the Section 23 Housing Assistance Payments Program), applicants on waiting lists for any such housing, and holders of Certificates of Family Participation for such housing must apply specifically if they wish to be considered for a Certificate of Family Participation under this Part. In addition, the notice shall state that such applicants for Certificates will not lose their place on the public housing waiting list.

(ii) Such notice shall be made in accordance with the PHA's HUD-approved equal opportunity housing plan and with the HUD guidelines for fair housing requiring the use of the equal housing opportunity logotype, statement, and slogan, emphasizing outreach to families not otherwise expected to apply. The

PHA shall send to the appropriate HUD field office a statement of the methods used and a copy of the published notice and other material.

(2) The PHA shall establish and maintain a waiting list for applicants for Certificates of Family Participation under this Part. If an applicant is determined by the PHA to be eligible but the PHA has determined pursuant to § 1275.-207(c)(3) that it cannot issue any more Certificates, the PHA shall place such Family on this waiting list and notify the Family of this fact, and of the approximate date that a Certificate may be issued, insofar as such date can reasonably be determined.

(3) If the number of Families on the PHA's waiting list for Certificates of Family Participation is such that there is no reasonable prospect that additional applicants could be issued Certificates within the next year, the PHA may determine to suspend the taking of further applications, and in such case the PHA shall not be required to take the actions specified in paragraph (a)(1) of this section. Any such determination by the PHA shall be publicly announced in the same manner as provided in paragraph (a)(1) of this section and shall be effective as of the date stated in such announcement.

(b) *Activities to Encourage Participation by Owners and Others.* (1) The PHA shall invite Owners, through publication in a newspaper of general circulation as well as through minority media and other suitable means, to make dwelling units available for leasing by Eligible Families, and in doing so, the PHA shall encourage the participation of Owners of units in areas other than low-income or minority concentrated areas. Such invitation shall be made in accordance with the PHA's HUD-approved equal opportunity housing plan, and with the HUD advertising guidelines for fair housing requiring the use of the equal housing opportunity logotype, statement, and slogan. The PHA shall publicize the needs of the program in such ways as to reach a maximum number of Owners and real estate brokers.

(2) The PHA shall also (i) request the field office to furnish it with a list of Secretary-held properties available for rent, to be included in the Certificate Holder's Packets, (ii) develop working relationships with local Owners and real estate broker associations, (iii) establish contact with civic, charitable, or neighborhood organizations which have an interest in housing for low-income families, and public agencies concerned with obtaining housing for displacees, and (iv) explain fully the provisions of the program, including equal opportunity requirements, to real estate, landlord, and other groups the members of which have dealings with low-income families or are interested in housing such families.

(3) The PHA shall send to the appropriate HUD field office a statement of the methods used in its activities under this paragraph (b) and a copy of the published notice and other material.

(c) *Initial Determination of Family Eligibility.*

(1) The PHA shall be responsible for determining eligibility in accordance with schedules and criteria established by HUD, and for selecting Families for participation in accordance with the PHA's HUD-approved equal opportunity Part. If an Owner is the initial point of housing plan and the provisions of this contact by an applicant who does not have a Certificate of Family Participation, he shall refer such applicant to the PHA.

(2) Every applicant for a Certificate shall complete and sign the form of application prescribed by HUD.

(3) The PHA shall maintain a system to assure that it will be able to honor all outstanding Certificates of Family Participation within its ACC authorization.

(4) PHA records on applicant and certified Families shall be maintained so as to provide HUD with racial, gender, and ethnic data.

(d) *Issuance of Certificate of Family Participation, and Certificate Holder's Packet.* If an applicant is determined by the PHA to be eligible and is selected for participation, he shall be given a Certificate of Family Participation (see Appendix III) signed by the PHA. At the same time, the Family shall be given two Certificate Holder's Packets, each of which shall include:

(1) Request for Lease Approval (see Appendix IV);

(2) Agency Determination with Respect to the Request for Lease Approval (see Appendix V);

(3) Required Lease Provisions and Prohibited Lease Provisions (see Appendices VI and VII);

(4) Booklet, *Watch Out for Lead Paint Poisoning*, issued by the U.S. Department of Health, Education, and Welfare and identified as DHEW Publication No. (HSM) 73-5101;

(5) The PHA's statement of housing quality standards and the forms for inspection of housing units and certification of compliance with those standards (see Appendices VIII and IX).

(6) *Your Housing Rights* (HUD-177-EO(2)) and *Fair Housing U.S.A.* (HUD-63-EO(6)), both issued by the U.S. Department of Housing and Urban Development; and Equal Opportunity complaint form HUD-903.

(7) Housing Assistance Payments Contract (see Appendix II);

(8) A list of Secretary-held properties available for rent and information concerning Recently Completed Housing, if any;

(9) Information as to the Gross Family Contribution, the Fair Market Rents appropriate for the Family size and composition, and the benefit of the shopping incentive credit for rents below the Fair Market Rent;

(10) The PHA's schedule of Allowances for Utilities and Other Services;

(11) Such other items as the PHA may determine should be included.

(e) *Briefing of Certificate Holders.* When a Family initially receives its Certificate of Family Participation, a full explanation of the following shall be provided to assist the Family in finding a suitable unit and to apprise the Family of its responsibilities and the responsibilities of the Owner (this may be done either in group or individual sessions; and adequate opportunity shall be provided for Families to raise questions and to discuss the information provided):

(1) Family and Owner responsibilities under the Lease and Contract;

(2) How to find a suitable unit;

(3) Applicable housing quality standards and procedures for joint Family-Owner inspection and for individual certification of compliance with those standards;

(4) Significant aspects of the applicable State and local laws; and

(5) Significant aspects of Federal, State and local fair housing laws.

(f) *Expiration and Extension of Certificate.*

(1) The Certificate of Family Participation shall expire at the end of 60 days unless within that time the Family submits a Request for Lease Approval (Appendix IV).

(2) If a Request for Lease Approval is submitted before expiration of the original Certificate but the Request is disapproved, the PHA shall determine whether sufficient time remains under the Certificate to give the Family a reasonable opportunity to find another unit. If the remaining time is determined to be insufficient, the PHA shall issue a new Certificate to the Family.

(3) If a Certificate expires or is about to expire (other than on the occasion of disapproval of a Request for Lease Approval described in paragraph (f)(2) or extension pursuant to paragraph (g)(1) of this section), a Family may submit the Certificate to the PHA with a request for an extension. The PHA shall review with the Family the efforts it has made to find a suitable dwelling unit and the problems it has encountered and shall determine what advice or assistance might be helpful. If the PHA believes that there is a reasonable possibility that the Family may, with the additional advice or assistance, if any, find a suitable unit, the PHA may grant one or more extensions not to exceed a total of 60 days; provided, however, that further extensions may be granted if the PHA specifically determines that the Family's failure to find a suitable unit is not due to the fault or lack of diligence of the Family. A determination by the PHA that no further extensions should be granted shall not preclude the Family from filing a new application for another Certificate.

(g) *Continued Participation When Assisted Family Moves.*

(1) If an assisted Family notifies the PHA that it wishes to obtain another Certificate of Family Participation for the purpose of finding another dwelling unit, or that it has found another unit to which it wishes to move, the PHA shall (unless it does not have sufficient ACC authority for continued assistance to the Family) issue another Certificate or process a Request for Lease Approval, as the case may be, if the PHA determines

that the Owner is not entitled to payment pursuant to § 1275.103(j) on account of nonpayment of rent or other amount owed under the Lease, or that the Family has satisfied any such liability.

(2) If a Family wishes to move to another jurisdiction and qualifies under paragraph (g)(1) of this section, the Family may obtain housing assistance in the jurisdiction to which it is moving, *provided*, That the Family obtains a Certificate of Family Participation from the appropriate PHA. The appropriate PHA shall give the Family the same consideration as any other applicants, except that the PHA shall not deny the Family a Certificate on the ground that its income is above the income limits for admission in that jurisdiction.

(h) *Families Determined by the PHA to be Ineligible.* If an applicant is determined by the PHA to be ineligible on the basis of income or family composition, or for any other reasons, the PHA shall notify the applicant by letter of the determination and the reasons therefor and the letter shall state that the applicant has the right within a reasonable time (specified in the letter) to request an informal hearing. If, after conducting such an informal hearing, the PHA determines that the applicant is ineligible, it shall so notify the applicant in writing. The procedures of this paragraph do not preclude the applicant from exercising its other rights if it believes it is being discriminated against on the basis of race, color, creed, religion, sex, or national origin. The PHA shall retain for three years a copy of the application, the notification letters, the applicant's response if any, the record of any informal hearing, and a statement of final disposition.

(i) *Request for Lease Approval*—(1) *Submission of Request to PHA.* When a Family has found a unit it wants and the Owner is willing to lease, the Family shall submit to the PHA a Request for Lease Approval signed by the Owner of the unit and the Family, together with the Family's Inspection Report and the Owner's Inspection Report. At the same time, the Family shall submit a copy of the proposed lease, which shall contain all required provisions shown in Appendix VI and shall be complete except for execution and entry of the portion of monthly rental which the Family shall be obligated to pay to the Owner.

(2) *Amount of Rent to Owner.*

(i) The PHA shall determine whether the requested rent is approvable in accordance with Sec. 1275.103(d)(1). If the Family is to pay directly for any of the utilities or services, the PHA shall determine the amount of the Allowance on account thereof. Inasmuch as the Fair Market Rents are established for a geographic area within which the rents for modest Decent, Safe, and Sanitary housing may vary substantially, the PHA shall make an analysis to determine the reasonable rent for the particular unit. If the requested Contract Rent plus any applicable Allowance is at or below the reasonable rent and at or below the Fair Market Rent, it may be approved.

(ii) If the otherwise approvable Contract Rent to Owner plus the applicable Allowance, if any, is higher than the applicable Fair Market Rent, and if the PHA determines that such higher rent is justified, it shall request HUD approval in accordance with Section 1275.103(d)(1).

(3) *"Shopping Incentive" Credit.* If the Family is entitled to a "shopping incentive" credit pursuant to Sec. 1275.103(n), the amount of the rent payable by the Family to the Owner shall be reduced by the amount of the credit.

(4) *Decent, Safe, and Sanitary Condition of Unit.*

(i) Before approving a Lease, the PHA shall inspect the unit for compliance with the PHA's housing quality standards as established in accordance with Sec. 1275.103(g), or cause it to be so inspected, as promptly as possible after the date on which the Owner indicates that the unit will be ready for inspection.

(ii) If there are defects or deficiencies which must be corrected in order for the unit to be Decent, Safe, and Sanitary, the Owner shall be advised by the PHA of the work required to be done. Before a Contract is executed, the unit must be reinspected to ascertain that the necessary work has been performed and that the unit is Decent, Safe, and Sanitary.

(iii) A report for every inspection and reinspection under this subparagraph (4) shall be prepared and maintained in the files of the PHA. Each such report shall specify (A) any defects or deficiencies which must be corrected in order for the unit to be Decent, Safe, and Sanitary, and (B) any other defects or deficiencies, a record of which shall be maintained for use in the event of a subsequent claim by the Owner that they were caused during the period of occupancy by the Family.

(5) *Oversized Unit.* No otherwise acceptable unit shall be disapproved on the ground that it is too large for the Family, provided that the rent to Owner plus any Allowance does not exceed the Fair Market Rent for the smaller size unit as stated in the Family's Certificate.

(6) *Lease Requirements*—(i) *Term of Lease.* The PHA shall determine that the term of Lease is consistent with § 1275.103(f).

(ii) *Required Provisions.* The Lease shall contain the required provisions specified in Appendix VI and in Part I of the Housing Assistance Payments Contract.

(iii) *Prohibited Provisions.* The Lease shall not contain any clause which falls within the classifications listed in Appendix VII.

(7) *Approval of Lease and Execution of Related Documents.* If the PHA determines that a unit which an Eligible Family wishes to lease is in Decent, Safe, and Sanitary condition, that the rent is approvable, and that the proposed lease complies with the requirements of this Part, the PHA shall approve the lease, and shall notify the Owner and the Family of its determination utilizing Appendix V. The Contract and Lease shall thereafter be executed by the appropriate parties.

(8) *Disapproval of Lease.* If the PHA determines that the lease cannot be approved for any reason, including the condition of the unit, the PHA shall so notify the Owner and the Family using Appendix V. A copy of this notification shall be maintained in the PHA's files together with the original Request for Lease Approval and the inspection report(s) relating to the unit.

(j) *Maintenance, Operation, and Inspections.*

(1) *Maintenance and Operation.* The Owner shall provide all the services, maintenance and utilities which he agrees to provide under the Contract, subject to abatement of housing assistance payments or other applicable remedies if he fails to meet these obligations.

(2) *Periodic Inspection.* In addition to the initial inspection provided under paragraph (i)(4)(i) of this section, the PHA will inspect or cause to be inspected each dwelling unit leased to an Eligible Family at least annually and at such other times as the PHA may deem to be necessary to assure that the Owner is meeting his obligations to maintain the unit in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. The PHA will take into account complaints and any other information coming to its attention in scheduling inspections. All complaints by Families concerning compliance by the Owner with the PHA's housing quality standards shall be retained in the PHA's files for three years.

(k) *Units Not Decent, Safe, and Sanitary.* If the PHA notifies the Owner that he has failed to maintain a dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, the PHA may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments (even if the Family continues in occupancy) and termination of the Contract. If the Family wishes to be rehoused in another dwelling unit with section 8 assistance and the PHA determines to terminate the Housing Assistance Payments Contract, the PHA shall issue to the Family another Certificate of Family Participation.

(l) *Reexamination of Family Income, Composition, and Extent of Exceptional Medical or Other Unusual Expenses.* Reexamination of Family income, composition, and the extent of medical or other unusual expenses incurred by the Family shall be made by the PHA at least annually (except that such reviews may be made at intervals no longer than two years in the case of elderly Families), and appropriate redeterminations shall be made by the PHA of the amount of Family contribution and the amount of the housing assistance payment, all in accordance with schedules and criteria established by HUD.

(m) *Overcrowded Unit.* If the PHA determines that a dwelling unit is not Decent, Safe, and Sanitary by reason of increase in Family size, the Family and the PHA shall try to find an acceptable unit as soon as possible. If an acceptable unit is found that is available for oc-

cupancy by the Family, and the Lease with the first Owner can be terminated in accordance with its terms, the Contract with the first Owner shall be terminated and housing assistance payments shall be made available to the Family for occupancy in the acceptable unit. Housing assistance payments will not be terminated unless the Family rejects without good reason the offer of a unit which the PHA judges to be acceptable.

(n) *Adjustment of Allowance for Utilities and Other Services.* The PHA shall determine, as part of its annual inspection and at such other times as it deems appropriate, whether an adjustment is required in the Allowance for Utilities and Other Services applicable to the dwelling unit on grounds of changes in utility rates or other change of general applicability. If the PHA determines that an adjustment should be made, the PHA shall prescribe the amount of the adjustment and make a corresponding adjustment in the amount of rent to be paid by the affected Family and the amount of housing assistance payment and notify the Owner accordingly.

(o) *Eviction.* The Owner shall not evict any Family unless the Owner complies with the requirements of local law, if any, and of this paragraph. The Owner shall give the Family a written notice of the proposed eviction, stating the grounds and advising the Family that it has 10 days (or such greater number, if any, that may be required by local law) within which to respond to the Owner. The Owner must obtain the PHA's authorization for an eviction; accordingly, a copy of the notice shall be furnished simultaneously to the PHA, and the notice shall also state that the Family may, within the same period, present its objections to the PHA in writing or in person. The PHA shall forthwith examine the grounds for eviction and shall authorize the eviction unless it finds the grounds to be insufficient under the Lease. The PHA shall notify the Owner and the Family of its determination within 20 days of the date of the notice to the Family, whether or not the Family has presented objections to the PHA. If the Owner has not received a response from the PHA within 20 days, he shall telephone the PHA and shall be informed by the PHA whether a notice of determination has been mailed. If the PHA informs the Owner that no notice has been mailed within the 20 day period, the PHA shall be deemed to have authorized the eviction.

(p) *Inapplicability of Low-Rent Public Housing Model Lease and Grievance Procedures.* Model lease and grievance procedures established by HUD for PHA-owned low-rent public housing are not applicable to the Section 8 Housing Assistance Payments Program under this Part.

§ 1275.208 HUD review of contract compliance.

HUD will review project operations at such intervals as it deems necessary to ensure that the Owner and the PHA are in full compliance with the terms and conditions of the Contract and the ACC. Equal Opportunity review may be conducted with the scheduled HUD review or at any time deemed appropriate by HUD.

§ 1275.209 PHA reporting requirements. [Reserved]

APPENDIX I

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM MASTER SECTION 8 ANNUAL CONTRIBUTIONS CONTRACTS #_____

This Annual Contributions Contract (ACC) is entered into on the __ day of _____, 19 __, (the date of execution by the Government) by and between the United States of America (herein called the "Government"), pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437, *et seq.*), which Act as amended to the date of this ACC is herein called the "Act," and the Department of Housing and Urban Development Act (42 U.S.C. 3531), and _____ (herein called the "PHA"), which is a "public housing agency" as defined in the Act. In consideration of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

0.1. *Project or Projects.* The PHA is undertaking to provide Decent, Safe, and Sanitary housing for Families (as defined in Section 2.1) pursuant to section 8 of the Act by means of Housing Assistance Payments Contracts ("Contracts") with Owners (as defined in Section 2.1). Such undertaking may involve an agreement for the use of housing to be constructed ("New Contruction"), an agreement for the use of existing housing to be substantially rehabilitated ("Substantial Rehabilitation"), or the use of existing housing without substantial rehabilitation ("Existing Housing"). In each instance, the numbers and sizes of dwelling units with respect to which a certain maximum Annual Contributions commitment is made shall constitute a Project hereunder and shall be identified by a stated Project number.

0.2. *Part I and Part II of this Annual Contributions Contract.*

(a) Certain provisions of this ACC, principally those which are specifically applicable to a designated Project, are contained in Part I. Separate forms of Part I are used for different types of Projects (i.e., New Construction, Substantial Rehabilition, and Existing Housing). A separate Part I, on the applicable form thereof, has been executed with respect to each Project hereunder, and each such Part I, so executed, constitutes a part of this ACC.

(b) The remaining provisions of this ACC, which are applicable to all Projects hereunder, are contained in Part II, which, although not separately executed, constitutes a part of this ACC.

0.3. *Fiscal Year.* Except for the first Fiscal Year of each Project, there shall be one Fiscal Year for all Projects hereunder. Such established Fiscal Year shall be the 12-month period ending _____ of each calendar year. The first Fiscal Year for each Project shall be as provided in the Part I applicable to such Project.

0.4. *Schedule of Projects.* Attached to this Master Section 8 ACC, as Attachment A, is a list identifying each ACC Part I and ACC Part I amendment by project number, date, and ACC List number and date.

PHA _____
By _____
Date _____
THE GOVERNMENT
By _____
Date _____

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM ANNUAL CONTRIBUTIONS CONTRACT

PART I

EXISTING HOUSING PROJECT NO. _____

Effective Date _____

[Date of execution by the Government of this ACC Part I]

ACC List Number and Date _____

1.1. *The Project.* The PHA proposes to enter into Housing Assistance Payments Contracts ("Contracts") with respect to the following numbers and sizes of existing dwelling units:

Size of Unit	*Number of Units*

The PHA, to the maximum extent feasible, shall enter into Contracts in accordance with the numbers and sizes of units specified above. The PHA shall not enter into any Contract or take any other action which will result in a claim for a total Annual Contribution in respect to the Project in excess of the maximum amounts stated in Section 1.4(a).

1.2. *Authorization of Actions by PHA.* In order to carry out the Project, the PHA is authorized to (a) enter into Housing Assistance Payments Contracts, (b) make housing assistance payments on behalf of Families, and (c) take all other necessary actions all in accordance with the forms, conditions and requirements prescribed or approved by the Government; Provided, however, that neither the PHA nor the Government shall assume any obligation beyond that provided in Contracts, in the form approved by the Government.

1.3. *Term of ACC, Lease and Contract.*

(a) The term of this ACC shall be five years.

(b) The term of each Lease shall be for not less than one year nor more than three years, but the Lease may contain a provision permitting termination upon 30 days advance written notice by either party. The term of each Contract shall be for the term of the Lease, provided that if a Family continues in occupancy after the expiration of the term on the same terms and conditions as the original Lease, the Contract shall continue in effect for the duration of such tenancy subject to the limitations in the next sentence. The specified Contract and Lease term, including specified renewal options, if any, and any continuation of tenancy beyond the Lease term shall in no case exceed three years or extend beyond the term of this ACC. This limitation shall not preclude the execution of a new Lease and Contract for the dwelling units.

1.4. *Annual Contributions.*

(a) Notwithstanding any other provisions of this ACC (other than paragraph (c) of this Section) or any provisions of any other contract between the Government and the PHA, the Government shall not be obligated to make any Annual Contributions or any other payment in excess of:

(1) $_____ for housing assistance payments under Contracts; or

(2) $_____ for other Project Expenditures; or

(3) A total of $_____ for all Project Expenditures in respect to the Project;

Provided, however, that these amounts shall be reduced commensurate with any reduction in the number of units under any provision of this ACC.

(b) Subject to the maximum dollar limitations in paragraph (a) of this Section, the Government shall pay Annual Contributions to the PHA in respect to the Project in an amount equal to the sum of the following (subject to reduction by the amount of any

Project Receipts other than Annual Contributions, which Receipts shall be available for Project Expenditures):

(1) The amount of housing assistance payments payable during the Fiscal Year (see Section 1.5) by the PHA pursuant to the Contract, as authorized in Section 1.2.

(2) The allowance, in the amount approved by the Government, for preliminary costs of administration.

(3) The allowance, in the amount approved by the Government, for the regular costs of administration.

(c) (1) A project account will be established and maintained by the Government, as a specifically identified and segregated account, in an amount as determined by the Government consistent with its responsibilities under section 8(c)(6) of the Act. To the extent funds are available in said account, the Annual Contribution for any Fiscal Year may exceed the maximum amounts stated in paragraph (a) of this Section by such amount, if any, as may be required for increases reflected in the estimates of required Annual Contributions applicable to such Fiscal Year as approved by the Government in accordance with Section 2.11 below.

(2) The Government will take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to assure availability of funds to cover increases in housing assistance payments on a timely basis as a result of increases in Contract Rents or decreases in Family incomes.

(d) The Government will make periodic payments on account of the Annual Contributions upon requisition therefor by the PHA in the form prescribed by the Government. Each requisition shall include certifications by the PHA that housing assistance payments have been or will be made only:

(1) In accordance with the provisions of the Contracts.

(2) With respect to units which the PHA has inspected or caused to be inspected, pursuant to Section 2.4 of Part II of this ACC, within one year prior to the making of such housing assistance payments.

(e) Following the end of each Fiscal Year, the PHA shall promptly pay to the Government, unless other disposition is approved by the Government, the amount, if any, by which the total amount of the periodic payments during the Fiscal Year exceeds the total amount of the Annual Contribution payable for such Fiscal Year in accordance with this Section.

1.5. *Fiscal Year.* The Fiscal Year for the Project shall be the Fiscal Year established by Section 0.3 of this ACC; Provided, however, that the first Fiscal Year for the Project shall be the period beginning with the effective date of this ACC Part I and ending on the last day of said established Fiscal Year which is not less than 12 months after such effective date. If the first Fiscal Year exceeds 12 months, the maximum Annual Contribution in Section 1.4(a) may be adjusted by the addition of the pro rata amount applicable to the period of operation in excess of 12 months.

1.6. *Periodic Adjustment of Contract Rents.* Each Contract may provide for periodic adjustment in the rents chargeable by the Owners and commensurate increases in amounts of housing assistance payments in accordance with the applicable Government regulations.

1.7. *Equal Opportunity Housing Plan.* The PHA, in disseminating information concerning the availability and nature of the housing assistance, inviting Owners to make dwelling units available for leasing by Families, and issuing Certificates of Family Participation, shall comply with its HUD-approved equal opportunity housing plan.

1.8. *Expeditious Carrying Out of Project.* The PHA shall proceed expeditiously with the Project. If the PHA fails to proceed expeditiously, the Government, by notice to the PHA, may reduce its obligation hereunder with respect to the Project to the number and size of dwelling units under Contracts with Owners as of the date of receipt of such notice by the PHA, with a corresponsing reduction in the maximum amounts of Annual Contributions specified in Section 1.4(a).

1.9. *Prior ACCs Superseded.* This Part I supersedes prior ACC Parts I, if any.

PHA ----------
By ----------
Date ----------
THE GOVERNMENT
By ----------
Date ----------

Section 8 Housing Assistance Payments Program

Terms and Conditions

Constituting Part II of an

Annual Contributions Contract

between

Public Housing Agency

and the

United States of America

U.S. Department of Housing and Urban Development

2.1. *Definitions.*

(a) "Families" means Lower-Income Families (including "Very Low-Income Families") and includes Families consisting of a single person in the case of Elderly Families and Displaced Families and includes the remaining member of a tenant family.

(b) "Elderly Families" means Families whose heads (or their spouses), or whose sole members, are persons who are at least 62 years of age or are under a disability as defined in section 223 of the Social Security Act or in section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970, or are handicapped. The term Elderly Families includes two or more elderly, disabled, or handicapped individuals living together, or one or more such individuals living together with another person who is determined under regulations of the Secretary of Housing and Urban Development ("Secretary") to be a person essential to their care or well being.

(c) "Displaced Families" means Families displaced by governmental action, or Families whose dwellings have been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

(d) "Lower-Income Families" means Families whose incomes do not exceed 80 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income limits higher or lower than 80 percent of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors.

(e) "Very Low-Income Families" means Families whose incomes do not exceed 50 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families.

(f) "Income" means income from all sources of each member of the household, as determined in accordance with criteria prescribed by the Secretary.

(g) "Owner" means the person or entity, including a cooperative, with which the Agreement and Contract are entered into.

(h) "Rent" or "rental" mean, with respect to members of a cooperative, the charges under the occupancy agreements between such members and the cooperative.

(i) "Project Receipts" with respect to each Project means the Annual Contributions payable hereunder and all other receipts, if any, accruing to the PHA from, out of, or in connection with such Project.

(j) "Project Expenditures" with respect to each Project means all costs allowable under Section 1.4(b), Part I of this ACC, with respect to such Project.

(k) "Substantial Default" means the occurrence of any of the events listed in Section 2.16.

2.2. *Lower-Income Housing Use; Compliance with Act and Regulations.* The PHA shall use the Annual Contributions solely for the purpose of providing Decent, Safe, and Sanitary dwellings for Families in compliance with all applicable provisions of the Act and all regulations issued pursuant thereto.

2.3. *Eligibility and Amount of Housing Assistance Payments.*

(a) The PHA shall comply with the income limits established by the Government and with the requirements of the Government pursuant to section 8(c)(7) of the Act that at least 30 percent of the Families assisted in all its Projects under its Master Section 8 ACC shall be Very Low-Income Families.

(b) The PHA shall comply or assure compliance with the schedules and criteria established by the Government with respect to the amounts of housing assistance payments made on behalf of Families.

(c) The PHA shall make or cause to be made periodic reexaminations of the income, composition, and extent of exceptional medical or other unusual expenses of Families for whom housing assistance payments are being made, for the purpose of confirming or adjusting, in accordance with the applicable schedules established by the Government, the amount of rent payable by the Family and the amount of housing assistance payment.

(d) The PHA shall determine, as part of its annual inspection and at such other times as it deems appropriate, whether an adjustment is required in the Allowance for Utilities and Other Services applicable to the dwelling unit on grounds of changes of general applicability. If the PHA determines that an adjustment should be made, the PHA shall prescribe the amount of the adjustment and make a corresponding adjustment in the amount of rent to be paid by the affected Family and the amount of Housing Assistance Payment and notify the Owner accordingly.

(e) Prior to the approval of eligibility of a Family and thereafter on the date established for each reexamination of the status of such Family, the PHA shall review or cause to be reviewed a written application, signed by a responsible member of such Family, which application shall set forth all data and information necessary for a determination of the amount, if any, of housing assistance payment which can be made with respect to the Family.

2.4. *Inspections.*

(a) The PHA shall require, as a condition for the making of housing assistance payments, that the Owner maintain the assisted dwelling units and related facilities in Decent, Safe, and Sanitary condition.

(b) The PHA shall inspect or cause to be inspected dwelling units and related facilities prior to commencement of occupancy by

Families and shall make or cause to be made subsequent inspections at least annually, adequate to assure that Decent, Safe, and Sanitary housing accommodations are being provided and that the agreed-to services are being furnished.

2.5. *Nondiscrimination in Housing.*

(a) The PHA shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Public Law 88-352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, Section 1.1, *et seq.*; the requirements of said Department pursuant to said regulations; and Executive Order 11063, to the end that, in accordance with that Act and the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the ground of race, color, creed, religion, or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program or be otherwise subjected to discrimination. The PHA shall, by contractual requirement, covenant, or other binding commitment, assure the same compliance on the part of any subgrantee, contractor, subcontractor, transferee, successor in interest, or other participant in the program or activity, such commitment to include the following clause:

"This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, Section 1.1, *et seq.*; issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the [contractor or other] to comply therewith inures to the benefit of the United States, the said Department, and the PHA, any of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the [contractor or other.]"

(b) The PHA shall incorporate or cause to be incorporated into all Housing Assistance Payments Contracts a provision requiring compliance with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations issued pursuant thereto.

(c) The PHA shall not, on account of creed or sex, discriminate in the sale, leasing, rental, or other disposition of housing or related facilities (including land) included in any Project or in the use of occupancy thereof, nor deny to any Family the opportunity to apply for such housing, nor deny to any eligible applicant the opportunity to lease or rent any dwelling in any such housing suitable to its needs. No person shall *automatically* be excluded from participation in or be denied the benefits of the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

2.6. *Equal Employment Opportunity.*

(a) The PHA shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, or national origin. The PHA shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, color, creed, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(b) (1) The PHA shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR, Chapter 60, which is to be performed pursuant to this contract, the following Equal Opportunity clause:

"EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract, the contractor agrees as follows:

(A) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, creed, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the PHA setting forth the provisions of this Equal Opportunity clause.

(B) The contractor will in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, creed, sex, or national origin.

(C) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the PHA advising the said labor union or workers' representative of the contractor's commitments under this Section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(D) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(E) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Government and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(F) In the event of the contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part, and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

(G) The contractor will include the portion of the sentence immediately preceding Paragraph (A) and the provisions of Paragraphs (A) through (G) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontractor or purchase order as the Government may direct as a means of enforcing such provisions including sanctions for noncompliance; Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Government, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(2) The PHA agrees that it will assist and cooperate actively with the Government and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the Government and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the Government in the discharge of the Government's primary responsibility for securing compliance.

(3) The PHA further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by the Government or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

2.7. *Training, Employment, and Contracting Opportunities for Businesses and Lower Income Persons.*

(a) The project assisted under this ACC is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the Project area and contracts for work in connection with the Project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the Project.

(b) Notwithstanding any other provision of this ACC, the PHA shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary set forth in 24 CFR, Part 135 (published in 38 Federal Register 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this ACC. The requirements of said regulations include but are not limited to development and implementation of an affirmative action plan for utilizing business concerns located within or owned in substantial part by persons residing in the area of the Project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by Section 135.20(b) of the regulations in all contracts for work in connection with the Project. The PHA certifies and agrees that it is under no contractual or other disability which would prevent it from complying with these requirements.

(c) Compliance with the provisions of section 3, the regulations set forth in 24 CFR, Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this ACC shall be a condition of the Federal financial assistance provided to the Project, binding upon the PHA, its successors and assigns. Failure to fulfill these requirements shall subject the PHA, its contractors and subcontractors, its successors, and assigns to the sanction specified by this ACC and to such sanctions as are specified by 24 CFR Section 135.135.

(d) The PHA shall incorporate or cause to be incorporated into any contract pursuant

to this contract such clause or clauses as are required by the Government for compliance with its regulations issued pursuant to the Housing and Urban Development Act, as amended. The PHA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and Regulations.

2.8. *Cooperation In Equal Opportunity Compliance Reviews.* The PHA shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.9 *Clean Air Act and Federal Water Pollution Control Act.* The PHA shall incorporate or cause to be incorporated, into any contract for construction or substantial rehabilitation, such clause or clauses as are required by the Government for compliance with the regulations issued by the Environmental Protection Agency pursuant to the Clean Air Act, as amended, the Federal Water Pollution Control Act, as amended, and Executive Order 11738. The PHA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and Regulations.

2.10 *Labor Standards.* The PHA shall incorporate or cause to be incorporated into any contract for construction or substantial rehabilitation of nine or more dwelling units, such clause or clauses as are required by the Government for compliance with its regulations issued pursuant to the Copeland Act, the Davis-Bacon Act, and the Contract Work Hours and Safety Standards Act. The PHA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and Regulations.

2.11. *Estimates of Required Annual Contributions.* The PHA shall from time to time submit to the Government estimates of required annual contributions at such times and in such form as the Government may require. All estimates and any revisions thereof submitted under this Section shall be subject to Government approval.

2.12. *Insurance and Fidelity Bond Coverage.* For purposes of protection against hazards arising out of or in connection with the administrative activities of the PHA in carrying out the Project, the PHA shall carry adequate (a) comprehensive general liability insurance, (b) workmen's compensation coverage (statutory or voluntary), (c) automobile liability insurance against property damage and bodily injury (owned and non-owned), and (d) fidelity bond coverage of its officers, agents, or employees handling cash or authorized to sign checks or certify vouchers.

2.13. *Books of Account and Records; Reports.*

(a) The PHA shall maintain complete and accurate books of account and records, as may be prescribed from time to time by the Government, in connection with the Projects, including records which permit a speedy and effective audit, and will among other things fully disclose the amount and the disposition by the PHA of the Annual Contributions and other Project Receipts, if any.

(b) The books of account and records of the PHA shall be maintained for each Project as separate and distinct from all other Projects and undertakings of the PHA, except as authorized or approved by the Government.

(c) The PHA shall furnish the Government such financial, operating, and statistical reports, records, statements, and documents at such times, in such form, and accompanied by such supporting data, all as may reasonably be required from time to time by the Government.

(d) The Government and the Comptroller General of the United States, or his duly authorized representatives, shall have full and free access to the Projects and to all the books, documents, papers, and records of the PHA that are pertinent to its operations with respect to financial assistance under the Act, including the right to audit, and to make excerpts and transcripts from such books and records.

(e) The PHA shall incorporate or cause to be incorporated in all Contracts the following clauses:

"PHA AND GOVERNMENT ACCESS TO PREMISES AND OWNER'S RECORDS

"(1) The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the PHA and the Government.

"(2) The Owner shall permit the PHA and the Government or any of their duly authorized representatives, to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers, and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the monthly requests to the PHA for housing assistance payments."

(f) Audits required by the Government will be performed or paid for by the Government.

2.14. *General Depositary Agreement and General Fund.*

(a) The PHA shall maintain one or more agreements, which are herein collectively called the "General Depositary Agreement," in the form prescribed by the Government, with one or more banks (each of which shall be, and continue to be, a member of the Federal Deposit Insurance Corporation) selected as depositary by the PHA. Immediately upon the execution of any General Depositary Agreement, the PHA shall furnish to the Government such executed or conformed copies thereof as the Government may require. No such General Depositary Agreement shall be terminated except after 30 days notice to the Government.

(b) All monies received by or held for account of the PHA in connection with the Projects shall constitute the General Fund.

(c) The PHA shall, except as otherwise provided in this ACC, deposit promptly with such bank or banks, under the terms of the General Depositary Agreement, all monies constituting the General Fund.

(d) The PHA may withdraw monies from the General Fund only for (1) the payment of Project Expenditures, and (2) other purposes specifically approved by the Government. No withdrawals shall be made except in accordance with a voucher or vouchers then on file in the office of the PHA stating in proper detail the purpose for which such withdrawal is made.

(e) If the PHA (1) in the determination of the Government, is in Substantial Default, or (2) makes or has made any fraudulent or willful misrepresentation of any material fact in any of the documents or data submitted to the Government pursuant to this ACC or in any document or data submitted to the Government as a basis for this ACC or as an inducement to the Government to enter into this ACC, the Government shall have the right to require any bank or other depositary which holds any monies of the General Fund, to refuse to permit any withdrawals of such monies; Provided, however, that upon the curing of such Default the Government shall promptly rescind such requirement.

2.15. *Pooling of Funds under Special Conditions and Revolving Fund.*

(a) The PHA may deposit under the terms of the General Depositary Agreement monies received or held by the PHA in connection with any other housing project developed or operated by the PHA pursuant to the provisions of any contract for annual contributions, administration, or lease between the PHA and the Government.

(b) The PHA may also deposit under the terms of the General Depositary Agreement amounts necessary for current expenditures of any other project or enterprise of the PHA, including any project or enterprise in which the Government has no financial interest; Provided, however, that such deposits shall be lump-sum transfers from the depositaries of such other projects or enterprises, and shall in no event be deposits of the direct revenues or receipts of such other projects or enterprises.

(c) If the PHA operates other projects or enterprises in which the Government has no financial interest, it may from time to time, withdraw such amounts as the Government may approve from monies on deposit under the General Depositary Agreement for deposit in and disbursement from a revolving fund provided for the payment of items chargeable in part to the Projects and in part to other projects or enterprises of the PHA; Provided, however, that all deposits in such revolving fund shall be lump-sum transfers from the depositaries of the related projects or enterprises and shall in no event be deposits of the direct revenues or receipts.

(d) The PHA may establish petty cash or change funds in reasonable amounts, from monies on deposit under the General Depositary Agreement.

(e) In no event shall the PHA withdraw from any of the funds or accounts authorized under this Section 2.15 amounts for the Projects or for any other project or enterprise in excess of the amount then on deposit in respect thereto.

2.16. *Default.*

(a) *Failure or Inability of PHA to Comply with Agreement.* In the event the Government determines that the PHA is in default under the Agreement with the Owner, or if such Agreement is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such Agreement is drawn into question in any legal proceedings, or if the PHA asserts or claims that such Agreement is not binding upon the PHA for any such reason, the Government may, after reasonable notice to the PHA, determine that the occurrence of any such event, if the Owner is not in default, constitutes a Substantial Default hereunder as to the Project. In such case, the Government will assume the PHA's rights and obligations under the Agreement and carry out the obligations of the PHA under the Agreement, including the obligation to enter into the Contract.

(b) *Failure or Inability of PHA to Comply with Contract.* In the event of failure of the PHA to comply with the Contract with the Owner, or if such Contract is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such Contract is drawn into question in any legal proceeding, or if the PHA asserts or claims that such Contract is not binding upon the PHA for any such reason, the Government may, after reasonable notice to the PHA, determine that the occurrence of any such event, if the Owner is not in default, constitutes a Substantial Default hereunder. In such case, the Government will assume the PHA's rights and obligations under such Contract, and the Government shall, for the duration of such Contract, continue to pay Annual Contributions for the purpose of making housing assistance payments with respect to dwelling units under such Contract, shall perform the obligations and enforce the rights of the PHA, and shall exercise such other powers as the Government may have to cure the Default.

(c) *Other Defaults by the PHA.* If the PHA defaults in the observance or performance of the provisions of Section 2.4; fails to comply with its obligations under any duly is-

sued Certificate of Family Participation in accordance with its terms; fails to comply with the requirements of Sections 2.5, 2.6, 2.7, or 2.8; defaults in the performance or observance of any term, convenant, or condition of this ACC other than the defaults enumerated in this paragraph, and if such defaults have not been remedied within a reasonable time, not to exceed 30 days, after the Government has notified the PHA thereof; or fails to comply with the applicable provisions of the Act and all regulations issued pursuant thereto; the Government may, after reasonable notice to the PHA, determine that the occurrence of any such event, if the Owner is not in default, constitutes a Substantial Default hereunder as to the Project. Upon the occurrence of a Substantial Default with respect to any Project, the PHA shall, if the Government so requires, assign to the Government all of its rights and interests in and to the project, or such part thereof as the Government may specify, and the Government shall continue to pay Annual Contributions with respect to dwelling units covered by Housing Assistance Payments Contracts in accordance with the terms of this ACC until reassigned to the PHA.

(d) *Return of Rights and Obligations to PHA.* All rights and obligations of the PHA assumed by the Government pursuant to this Section 2.16 will be returned as constituted at the time of such return (1) when the Government is satisfied that all defaults have been cured and that the Project will thereafter be administered in accordance with all applicable requirements or (2) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner.

(e) *Rights of Owner.* The provisions of this Section 2.16 are made with, and for the benefit of, the Owner or his assignees who will have been specifically approved by the Government prior to such assignment. To enforce the performance of this provision the Owner and such assignees, as well as the PHA, shall have the right to proceed against the Government by suit at law or in equity.

2.17 *Remedies Not Exclusive and Non-Waivers of Remedies.* Any remedy provided for herein shall not be exclusive or preclude the Owner, PHA and/or the Government from exercising any other remedy available under this ACC or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies available to such parties. Failure on the part of any such party to exercise any right or remedy shall not constitute a waiver of that or any other right or remedy, nor operate to deprive the party of the right thereafter to take any remedial action for the same or any subsequent default.

2.18. *Interest of Members, Officers, or Employees of PHA, Members of Local Governing Body, or Other Public Officials.*

(a) Neither the PHA nor any of its contractors or their subcontractors shall enter into any contract, subcontract, or arrangement, in connection with any Project in which any member, officer, or employee of the PHA, or any member of the governing body of the locality in which the Project is situated, or any member of the governing body of the locality in which the PHA was activated, or any other public official of such locality or localities who exercises any responsibilities or functions with respect to the Project during his tenure or for one year thereafter has any interest, direct or indirect. If any such present or former member, officer, or employee of the PHA, or any such governing body member or such other public official of such locality or localities involuntarily acquires or had acquired prior to the beginning of his tenure any such interest, and if such interest is immediately disclosed to the PHA and such disclosure is entered upon the minutes of the PHA, the PHA, with the prior approval of the Government, may waive the prohibition contained in this subsection: Provided, however, that any such present member, officer, or employee of the PHA shall not participate in any action by the PHA relating to such contract, subcontract, or arrangement.

(b) The PHA shall insert in all contracts entered into in connection with any Project or any property included or planned to be included in any Project, and shall require its contractors to insert in each of its subcontracts, the following provisions:

"No member, officer, or employee of the PHA, no member of the governing body of the locality in which the Project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the Project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this contract or the proceeds thereof."

(c) The provisions of the foregoing subsections (a) and (b) of this Section 2.18 shall not be applicable to the General Depositary Agreement, or utility service the rates for which are fixed or controlled by a governmental agency.

2.19. *Interest of Member of or Delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this ACC or to any benefits which may arise therefrom.

APPENDIX II

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, HOUSING ASSISTANCE PAYMENTS CONTRACT

EXISTING HOUSING

PART I

This Housing Assistance Payments Contract ("Contract") is entered into by and between _____, the person or entity having the legal right to lease the unit ("Owner"), and _____ ("PHA"), which is a public housing agency as defined in the United States Housing Act of 1937, 42 U.S.C. 1437, *et seq.* ("Act"), at section 1437a(6).

The Owner and the PHA agree as follows:

1.1 *FAMILY TO BE HOUSED; PHA ASSISTANCE.*

a. *Family to be Housed.* The Contract Unit is to be leased by the Owner, under a PHA-approved lease ("Lease"), to the following Lower-Income Family ("Family") for use and occupancy by such Family solely as a private dwelling:

_____

(Name of Family)

b. *PHA Assistance and Contract Unit.* In order to enable the Family to lease Decent, Safe, and Sanitary housing pursuant to section 8 of the Act, the PHA agrees to make housing assistance payments on behalf of the Family for the following described dwelling unit ("Contract Unit"):

_____

c. *Term of Contract.* The term of this Contract shall be __ years [the term of the Lease, not to exceed three years] beginning on _____, 19__, [the effective date of the Lease] and ending _____, 19__; Provided, however, that if the Family continues in occupancy, after the expiration of the term, on the same terms and conditions as the original Lease, the Contract shall continue in effect for the duration of such tenancy, but in no case for a total term of more than five years.

1.2 *AMOUNT OF CONTRACT RENT AND FAMILY PORTION.*

a. *Amount of Contract Rent.* The lease rental for the unit ("Contract Rent") is $_____ per month.

b. *Family Portion of Rent.*

(1) The monthly amount the Family is required to pay toward the Contract Rent is $_____.

(2) If there are any utilities or services payable directly by the Family, the amount in paragraph b(1) was computed as follows:

(i) Monthly amount Family must pay toward Gross Rent $_____

(ii) Less: PHA-determined Allowance for utilities and services payable directly by the Family $_____

(iii) Amount payable by Family toward Contract Rent $_____

(3) If the amount in line (2)(ii) is *greater* than the amount in line (2)(i), enter the amount of such excess $_____

The Owner agrees to pay the Family this monthly amount, on behalf of the PHA, upon receipt of funds from the PHA for that purpose, and the Owner shall furnish the PHA, upon request by it, with evidence of such payment.

(4) The amount set forth in this paragraph b shall be subject to change by reason of changes in the Family income, composition, or extent of exceptional medical or other unusual expenses, or in the Allowance for Utilities and Other Services or in the Contract Rent, as determined by the PHA, effective as of the date stated in a notification of such change by the PHA to the Family and Owner.

c. *PHA Not Obligated for Family Portion of Rent.* Neither the PHA nor the United States of America ("Government") has assumed any obligation whatsoever for the portion of the rent payable by the Family or for the satisfaction of any claim by the Owner against the Family other than in accordance with Section 1.7 of this Contract. The financial obligation of the PHA is limited to making housing assistance payments on behalf of the Family in accordance with this Contract.

1.3 *HOUSING ASSISTANCE PAYMENTS.*

a. *Amount.* The PHA will pay on behalf of the Family a housing assistance payment equal to the difference between the Contract Rent and the portion of said rent payable by the Family.

b. *Conditions for Payment.* Housing assistance payments shall be made by the PHA to the Owner, under the terms and conditions of this Contract and the pertinent Annual Contributions Contract ("ACC"), only for the period during which the Contract Unit is leased or occupied by the Family during the term of the Contract (see section 1.1c), except as provided in paragraphs c and d of this section.

c. *Payment for Vacated Unit.*

(1) If the Family vacates its unit in violation of the provisions of the Lease or tenancy agreement, the Owner shall receive housing assistance payments in the amount of 80 percent of the Contract Rent for a vacancy period not exceeding 60 days or the expiration or other termination of the Lease or tenancy agreement, whichever comes first; Provided, however, that if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 80 percent payments, results in more than the Contract Rent, such excess shall be payable to the Government or as the Government may direct; and provided further that if the vacancy is the result of action by the Owner, the Owner shall not receive any payment under this paragraph if the action was in violation of the Lease

or the Contract or any applicable law. (See section 1.5.)

(2) The Owner shall not be entitled to any payment under this paragraph c unless he (i) immediately upon learning of the vacancy, has notified the PHA of the vacancy or prospective vacancy, (ii) has taken and continues to take all feasible actions to fill the vacancy including, but not limited to, contacting applicants on his waiting list, requesting the PHA and other appropriate sources to refer applicants, and advertising the availability of the unit, and (iii) has not rejected any applicant except for good cause acceptable to the PHA.

(3) The Owner shall not be entitled to housing assistance payments with respect to vacant units under this paragraph c to the extent he is entitled to payments from other sources (for example, payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the Housing and Community Development Act of 1974 or payments under Section 1.7).

d. *Owner's Monthly Requests for Payments.*

(1) The Owner shall submit monthly requests to the PHA or as directed by the PHA for housing assistance payments. Each such request shall set forth: (i) the name of the Family and the address and number, if any, of the unit leased by the Family; (ii) the Contract Rent for the unit for which the Owner is claiming payments; (iii) the amount of rent payable by the Family leasing the unit (or, where applicable, the amount to be paid the Family in accordance with Section 1.2b(3)); and (iv) the total amount of housing assistance payments requested by the Owner.

(2) Each of the Owner's monthly requests shall contain a certification by him that to the best of his knowledge and belief (i) the dwelling unit is in Decent, Safe, and Sanitary condition, (ii) all the other facts and data on which the request for funds is based are true and correct, (iii) the amount requested has been calculated in accordance with the provisions of this Contract and is payable under the Contract, and (iv) none of the amount claimed has been previously claimed or paid.

(3) If the Owner has received an excessive payment, the PHA, in addition to any other rights to recovery, may deduct the amount from any subsequent payment or payments.

(4) The Owner's monthly requests for housing assistance payments shall be made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

1.4 *MAINTENANCE, OPERATION AND INSPECTION.*

a. *Maintenance and Operation.* The Owner agrees (1) to maintain and operate the Contract Unit and related facilities so as to provide Decent, Safe, and Sanitary housing, and (2) to provide all the services, maintenance and utilities set forth in the Lease. If the PHA determines that the Owner is not meeting any of these obligations, the PHA shall have the right, in addition to its other rights and remedies under this Contract, to abate housing assistance payments in whole or in part.

b. *Inspection.*

(1) Prior to occupancy of the unit by the Family, the Owner and the Family shall inspect the unit and each shall furnish a report and certification of the condition of the unit, on the form prescribed by the PHA. By executing this Contract, the Owner certifies that to the best of his knowledge and belief and in accordance with the criteria provided in the PHA-prescribed form, the unit is in Decent, Safe, and Sanitary condition on the date of execution.

(2) The PHA shall inspect the Contract Unit and related facilities, or cause them to be inspected, at least annually and at such other times (including prior to initial occupancy of the unit) as the PHA may determine to be necessary to assure that the Owner is meeting his obligation to maintain the unit in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. The PHA shall take into account complaints by occupants and any other information coming to its attention in scheduling inspections, and shall notify the Owner and the Family of its determinations.

c. *Units Not Decent, Safe, and Sanitary.* If the PHA notifies the Owner that he has failed to maintain the dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, the PHA may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments (even if the Family continues in occupancy) and termination of the Contract. If the Family wishes to be rehoused in another dwelling unit with Section 8 assistance and the PHA determines to terminate the Contract, the PHA shall issue to the Family another Certificate of Family Participation.

d. *Notification of Abatement.* Any abatement of housing assistance payments shall be effective as provided in written notification to the Owner. The PHA shall promptly notify the Family of any such abatement.

e. *Overcrowded Unit.* If the PHA determines that a Contract Unit is not Decent, Safe, and Sanitary by reason of increase in Family size, the Family and the PHA shall try to find an acceptable unit as soon as possible. If an acceptable unit is found that is available for occupancy by the Family, and the Lease with the first Owner can be terminated in accordance with its terms, the Contract with the first Owner shall be terminated and housing assistance payments shall be made available to the Family for occupancy in the acceptable unit. Housing assistance payments will not be terminated unless the Family rejects without good reason the offer of a unit which the PHA judges to be acceptable.

1.5 *EVICTION.* The Owner shall not evict the Family unless the Owner complies with the requirements of local law, if any, and of this Section. The Owner shall give the Family a written notice of the proposed eviction, stating the grounds and advising the Family that it has 10 days (or such greater number, if any, that may be required by local law) within which to respond to the Owner. The Owner must obtain the PHA's authorization for an eviction; accordingly, a copy of the notice shall be furnished simultaneously to the PHA, and the notice shall also state that the Family may, within the same time period, present its objections to the PHA in writing or in person. The PHA shall forthwith examine the grounds for eviction and shall authorize the eviction unless it finds the grounds to be insufficient under the Lease. The PHA shall notify the Owner and the Family of its determination within 20 days of the date of notice to the Family, whether or not the Family has presented objections to the PHA. If the Owner has not received a response from the PHA within 20 days, he shall telephone the PHA and shall be informed by the PHA whether a notice of determination has been mailed. If the PHA informs the Owner that no notice has been mailed within the 20 day period, the PHA shall be deemed to have authorized the eviction.

1.6 *OWNER-FAMILY LEASE.* The Lease between the Owner (Lessor) and the Family (Lessee) shall contain the following provisions:

"ADDENDUM TO LEASE

"The following additional Lease provisions are incorporated in full in the Lease between _____ (Lessor) and _____ (Lessee) for the following dwelling unit: _____. In case of any conflict between these and any other provisions of the Lease, these provisions shall prevail.

"a. The total rent shall be $_____ per month.

"b. Of the total rent, $_____ shall be payable by the Public Housing Agency (PHA) as housing assistance payments on behalf of the Lessee and $_____ shall be payable by the Lessee. These amounts shall be subject to change by reason of changes in the Lessee's family income, composition, or extent of exceptional medical or other unusual expenses, or by reason of adjustment by the PHA of any applicable Allowance for Utilities and Other Services. Any such change shall be determined in accordance with HUD-established schedules and criteria and shall be effective as of the date stated in a notification to the Lessee.

"c. The Lessor shall provide the following utilities: [Specify]

"d. The Lessor shall provide maintenance and services as follows:

(1) The Lessor shall maintain the dwelling unit and all equipment provided therewith, as well as common areas, facilities and equipment provided for the use and benefit of the Lessee, in compliance with the Housing Quality Standards on the basis of which this Lease was approved by the Public Housing Agency, and the Lessor shall respond in a reasonable time to calls by the Lessee for services consistent with said obligation. Where applicable (as in case of multiunit buildings), such maintenance with respect to common areas, facilities and equipment shall include cleaning; maintenance of lighting and equipment; maintenance of grounds, lawns and shrubs; and removal of snow and ice. Where security equipment and services are to be provided by Lessor they are as follows: [Specify, or state "None"].

(2) Extermination services shall be provided by Lessor as conditions may require. If such service is to be provided on a scheduled basis, the schedule is as follows: [Specify, or state "No schedule"].

(3) Repainting shall be provided by Lessor as conditions may require. If such service is to be provided on a scheduled basis, the schedule is as follows: [Specify, or state "No schedule"].

"e. The Lessor shall not evict the Lessee unless the Lessor complies with the requirements of local law, if any, and of this provision. The Lessor shall give the Lessee a written notice of the proposed eviction, stating the grounds and advising the Lessee that he has 10 days (or such greater number, if any, that may be required by local law) within which to respond to the Lessor. Because the Lessor must obtain the PHA's authorization for an eviction, a copy of the notice shall be furnished simultaneously to the PHA, and the notice shall also state that the Lessee may, within the same time period, present his objections to the PHA in writing or in person. The PHA shall forthwith examine the grounds for eviction and shall authorize the eviction unless it finds the grounds to be insufficient under the Lease. The PHA shall notify the Lessor and the Lessee of its determination within 20 days of the date of notice to the Lessee, whether or not the Lessee has presented objections to the PHA. If the Owner has not received a response from the PHA within 20 days, he shall telephone the PHA and shall be informed by the PHA

whether a notice of determination has been mailed. If the PHA informs the Owner that no notice has been mailed within the 20 day period, the PHA shall be deemed to have authorized the eviction.

"f. The Lessor shall not discriminate against the Lessee in the provision of services, or in any other manner, on the grounds of race, color, creed, religion, sex, or national origin.

"g. This Lease has been signed by the parties on the condition that the PHA will promptly execute a Housing Assistance Payments Contract with the Lessor. Accordingly, this Lease shall not become effective unless the PHA has executed such Contract by the first day of occupancy specified in the Lease.

"Lessor _____

By _____

Date _____

Lessee _____

Date _____"

1.7 *SECURITY DEPOSITS.* [This section is applicable only if the Owner has required the Family to pay a security deposit.]

a. The Family has paid the Owner a security deposit in an amount equal to the amount payable by the Family toward one month's Gross Rent. If the Family vacates the unit, the Owner may utilize the deposit as reimbursement for any unpaid rent or other amount owed under the Lease. If the amount of the security deposit is insufficient for such reimbursement, the Owner may claim reimbursement from the PHA, not to exceed an amount equal to the remainder of one month's Contract Rent. If the Family vacates the unit owing no rent or other amount under the Lease, or if such amount is less than the amount of the security deposit, the Owner shall refund the full amount or the unused balance, as the case may be, to the Family.

b. In those jurisdictions where interest is payable by the Owner on security deposits, the refunded amount shall include the amount of interest payable. The Owner must comply with all State and local laws regarding interest payments on security deposits.

1.8 *RENT ADJUSTMENTS.*

a. Contract Rents shall be adjusted as provided in paragraphs a (1) and (2) of this Section upon request to the PHA by the Owner, provided that such request is accompanied by a certification signed by the Owner and the Family that the unit is in Decent, Safe, and Sanitary condition and that the Owner is otherwise in compliance with the terms of the Lease.

(1) An adjustment as of any anniversary date of the Lease not to exceed the percentage of charge in the applicable published Fair Market Rent (with appropriate reduction in the adjustment where utilities are paid directly by the Family), provided that the Owner has the legal right to terminate the tenancy as of such anniversary date.

(2) A special adjustment, subject to Government approval, effective as of the date when the Owner has the legal right to terminate the tenancy, to reflect increases in the actual and necessary expenses of owning and maintaining the unit which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by the annual adjustments provided for in paragraph a(1). The Owner shall submit financial statements which clearly support the increase.

b. Notwithstanding any other provisions of this Contract, adjustments as provided in paragraph a shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the PHA (and approved by the Government, in case of adjustments under paragraph a(2)).

1.9. *ENTIRE AGREEMENT.* This Contract, including Part II hereof, contains the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein. No changes in this Contract shall be made except in writing signed by both the Owner and the PHA.

1.10 *OWNER'S WARRANTY OF LEGAL CAPACITY.* The Owner warrants that he has the legal right to execute this Contract and to lease the dwelling unit covered by this Contract.

PHA _____	OWNER _____
By _____	By _____
(Official Title)	(Official Title)
Date _____	Date _____

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM; EXISTING HOUSING

HOUSING ASSISTANCE PAYMENTS CONTRACT

PART II

2.1 *Nondiscrimination in Housing.*

a. Neither the Owner nor the PHA shall, in the selection or approval of Families, in the provision of services, or in any other manner, discriminate against any person on the grounds of race, color, creed, religion, sex, or national origin. No person shall be *automatically* excluded from participation in or be denied the benefits of the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

b. The Owner shall comply with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations pursuant thereto.

c. The Owner shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Public Law 88-352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, Section 1.1, *et seq.*; the requirements of said Department pursuant to said regulations; and Executive Order 11063 to the end that, in accordance with that Act, the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the ground of race, color, creed, religion or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program, or be otherwise subjected to discrimination. This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, Section 1.1, *et seq,* issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the Owner to comply therewith inures to the benefit of the Government, the said Department, and the PHA, any of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the Owner.

2.2 *Cooperation in Equal Opportunity Compliance Reviews.* The PHA and the Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.3 *Annual Contributions Contract.*

a. The PHA has entered into an Annual Contributions Contract dated _____, 19__, with the Government, with respect to Project No. _____ ("ACC"), under which the Government will provide financial assistance to the PHA pursuant to Section 8 of the Act, for the purpose of making housing assistance payments, which ACC shall be provided by the PHA to the Owner upon request.

b. The PHA hereby pledges such annual contributions payable under Section 1.4(b)(1) of Part I of the ACC to the payment of housing assistance payments pursuant to this and other Housing Assistance Payments Contracts entered into as a part of said Project.

2.4 *PHA and Government Access to Premises and Owner's Records.*

a. The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the PHA or the Government.

b. The Owner shall permit the PHA or the Government or any of their duly authorized representatives to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the monthly requests to the PHA for housing assistance payments.

2.5 *Default by the Owner.*

a. A Default by the Owner under this Contract shall result if:

(1) The Owner has violated or failed to comply with any provision of, or obligation under, this Contract or of the Owner-Family Lease; or

(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under the Owner-Family Lease.

b. Upon a determination by the PHA that a Default has occurred, the PHA shall notify the Owner of the nature of the Default, of the actions required to be taken on account of the Default (including the curing of the Default by the Owner, the abatement of housing assistance payments in whole or in part, where appropriate, or any combination of actions), and of the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the PHA, the PHA shall take appropriate actions to achieve compliance or to terminate the Contract.

2.6 *Remedies Not Exclusive and Non-Waiver of Remedies.* The availability of any remedy under this Contract shall not preclude the exercise of any other remedy under this Contract or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.7 *Disputes.*

a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Contract which is not disposed of by agreement of the PHA and Owner may be submitted by either party to the Department of Housing and Urban Development field office director who shall make a decision and shall mail or otherwise furnish a written copy thereof to the Owner and the PHA.

b. The decision of the field office director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, either party mails or otherwise furnishes to the field office director a written appeal addressed to the Secretary of Housing and Urban Development. The decision of the

Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this Section, the appellant shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, both parties shall proceed diligently with the performance of the Contract and in accordance with the decision of the field office director.

c. This Section does not preclude consideration of questions of law in connection with decisions rendered under paragraphs a and b of this Section; Provided, however, that nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

2.8 *Interest of Members, Officers, or Employees of PHA, Members of Local Governing Body, or Other Public Officials.* No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the premises are situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the premises, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Contract or in any proceeds or benefits arising from it.

2.9 *Interest of Member of or Delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Contract or to any benefits which may arise therefrom.

2.10 *Nonassignability.*

a. The Owner agrees that he has not made, and will not make any sale, assignment, or conveyance or transfer in any other form, of this Contract, or any of his interest therein, except with the prior consent of the PHA. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees to notify the PHA promptly of any proposed action covered by paragraph a of this Section. The Owner further agrees to request written consent of the PHA in regard thereto.

c. For the purpose of this Section, a transfer of stock in the Owner in whole or in part, by a party holding ten percent or more of the stock of said Owner, or a transfer by more than one stockholder or the Owner of ten percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Contract. With respect to this provision, the Owner and the party signing this Contract on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

APPENDIX III

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

CERTIFICATE OF FAMILY PARTICIPATION

1. *Certification.* The undersigned Public Housing Agency ("Agency") hereby certifies that the Family headed by _____ is authorized to participate in the Section 8 Housing Assistance Payments Program of this Agency. Under this program, the Agency makes housing assistance payments on behalf of participating Families toward their rents to Owners of Decent, Safe, and Sanitary dwelling units selected by the Families.

2. *Dwelling Unit.* If the Family finds a dwelling unit meeting its space requirements and otherwise suitable to its needs, which is in Decent, Safe, and Sanitary condition, the Family should submit to the Agency the Request for Lease Approval, together with the required inspection reports and a proposed lease. Prior to approval of the proposed lease, the Agency will inspect the dwelling unit or cause it to be inspected.

3. *Lease Rent.* The monthly rental provided in the Lease must be determined by the Agency to be reasonable; and generally this rent, plus the allowance approved by the Agency for any utilities payable directly by the Family, may not exceed the Fair Market Rents for a __ bedroom dwelling unit, which are $_____ for elevator buildings and $_____ for non-elevator buildings.

4. *Family Portion of Rent.*

(a) Under the rules and regulations of the Housing Assistance Payments Program, the Family will be obligated to pay $_____ toward the monthly lease rental; however, this amount will be reduced by any Allowance for utilities to be paid directly by the Family, and this reduction will be reflected in the amount payable by the Family as specified in the Lease.

(b) As an incentive to the Family to find the most economical housing suitable to its needs, if the Family selects a dwelling unit (other than a unit receiving the benefit of Federal, State or local subsidy) for which the proposed monthly lease rental plus any applicable allowance is below the applicable Fair Market Rent, the Family will be given credit by a reduction in the amount it must pay toward rent and utilities (Gross Family Contribution). The amount of this credit will be that percentage of the Gross Family Contribution which the Rent Saving is of the Fair Market Rent. The Rent Saving is the amount by which the Fair Market Rent (i) exceeds the monthly lease rental (plus any applicable allowance) approved by the Agency, or (ii) exceeds the initially proposed lease rental (plus any applicable allowance) if that be higher than the approved lease rental (plus any applicable allowance).

(c) The amount which the Family is required to pay toward rent and utilities is subject to change by reason of changes in Family income, composition, and extent of exceptional medical or other unusual expenses and changes in the Allowance for Utilities and Other Services and the Contract Rent.

5. *Agency Portion of Rent.* Pursuant to a Housing Assistance Payments Contract with an Owner, the Agency will pay to the Owner on behalf of the Family an amount equal to the difference between the Family portion of the rent to the Owner and the monthly lease rental.

6. *Agency Approval of Lease.*

(a) After receipt of a Request for Lease Approval, the Agency will notify the Owner and the Family whether or not the proposed lease is approvable. This notification will be given within __ working days from the date of availability for inspection as stated in the Request for Lease Approval.

(b) The Agency, upon issuing this Certificate of Family Participation, anticipates that if a lease meeting the requirements of this program is submitted for approval, the Agency will have funds available for a Housing Assistance Payments Contract with the Owner; however, the Agency is under no obligation to the Family, to any Owner or to any other person to approve any submitted lease, nor does the Agency incur any liability by reason of issuing this Certificate.

7. *Conditions.* The Family agrees to perform all its obligations under the Housing Assistance Payments Program, including the obligations to (a) provide such Family income information and records as may be required in the administration of the program, (b) permit inspection of its dwelling unit at reasonable times after reasonable advance notice, and (c) give at least 30 days notice to the Agency of the Family's intention to vacate the unit.

8. *Equal Housing Opportunity.* If the Family has reason to believe that, in its search for suitable housing, it has been discriminated against on the basis of race, color, creed, sex, religion, or national origin, it may file a complaint with the HUD Regional Office. Fair Housing Complaint Forms (Form HUD-903) are available from this Agency.

9. *Expiration Date.* A Request for Lease Approval may be submitted to this Agency no later than _____ (60 days from the date of this Certificate). If a Request is not submitted by such date, this Certificate shall expire unless extended by the Agency in writing.

_____	_____
(Name of Public Housing Agency)	(Name of Family Representative)
By _____	_____
(Signature and Title)	(Signature of Family Representative)
_____	_____
(Date)	(Date)
_____	_____
(Telephone)	(Present Address)

APPENDIX IV

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

REQUEST FOR LEASE APPROVAL

1. *Request.* The undersigned Owner and Family hereby request the _____ (Name of Public Housing Agency) to approve the attached lease for the dwelling unit located at _____ (Street Address and Apartment Number, if any) for a term of _____ months, beginning _____, 19__. The unit, consisting of _____ bedrooms, is to be leased at $_____ per month. This rent includes maintenance and other services as provided in the lease and the following utilities and appliances:

(Check applicable boxes)

☐ GAS	☐ WATER	☐ REFRIGERATOR
☐ ELECTRICITY	☐ SEWER	☐ OTHER (Specify)
☐ HEAT	☐ RANGE	

2. *Certifications.*

THE OWNER, by executing this Request, certifies that:

(a) The most recent rent charged for the above dwelling unit was $_____ per month. The reasons for the difference, if any, be-

tween this amount and the proposed rent are:

(b) This unit is made available, managed, and operated regardless of race, color, religion, creed, sex, or national origin.

(c) He has inspected the dwelling unit, as evidenced by the attached inspection report, and his certification as to the condition of the unit is true to the best of his knowledge and belief.

THE FAMILY, by executing this Request, certifies that it has inspected the dwelling unit, as evidenced by the attached inspection report, and that its certification as to the condition of the unit is true to the best of its knowledge and belief.

3. *Dates of Availability for Inspection and Occupancy.*

a. The dwelling unit will be available for inspection by the Agency on _____, 19__.

b. The dwelling unit will be available for occupancy by the Family on _____, 19__.

4. *Authority Determination.* The Owner and the Family understand that the Agency will notify them as to whether or not the proposed lease is approvable, within the time period specified in paragraph 6 of the Certificate of Family Participation.

_____ (Name of Owner or Other Entity Authorized to Lease)	_____ (Name of Family Representative)
By _____ (Signature)	_____ (Signature of Family Representative)
_____ (Date)	_____ (Date)
_____ (Business Address)	_____ (Present Address of Family)
_____ (Telephone)	_____

APPENDIX V

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM — EXISTING HOUSING

AGENCY DETERMINATION WITH RESPECT TO REQUEST FOR LEASE APPROVAL

(TO BE SENT TO THE OWNER AND FAMILY)

(Check applicable box)

☐ 1. *Approval.* The Agency hereby approves the proposed lease between _____ (Family) and _____ (Owner) for the dwelling unit located at _____ (Street Address and Apartment No., if any)

(a) Enclosed is the proposed lease, which has been completed by the Agency with respect to the portion of the monthly lease rental which the Family shall be obligated to pay to the Owner. The Lease shall be executed by the Family and the Owner and a copy returned to the Agency.

(b) Also enclosed are two copies of a Housing Assistance Payments Contract completed by the Agency except for execution. The Owner shall sign both copies of the Contract and return them to the Agency. The Agency will execute the Contract by the first day of occupancy specified in the Lease and will immediately return an executed copy to the Owner.

☐ 2. *Disapproval.* The proposed lease and/or the dwelling unit are/is disapproved for the following reasons:

☐ 3. *Resubmission.* If the conditions in Item 2 above are remedied, and a Request for Lease Approval is resubmitted by the Owner and the Family to the Agency by _____ (date), the lease will be approved by the Agency if it determines that the conditions have been remedied to its satisfaction. (The Certificate of Family Participation issued to the Family shall not expire before said date.)

_____ (Date)

_____ (Name of Public Housing Agency)

By: _____ (Signature and Title)

_____ (Telephone)

APPENDIX VI

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM — EXISTING HOUSING

REQUIRED LEASE PROVISIONS

The Lease between the Owner (Lessor) and the Family (Lessee) shall contain the following provisions:

ADDENDUM TO LEASE

The following additional Lease provisions are incorporated in full in the Lease between _____ (Lessor) and _____ (Lessee) for the following dwelling units: _____. In case of any conflict between these and any other provisions of the Lease, these provisions shall prevail.

a. The total rent shall be $_____ per month.

b. Of the total rent, $_____ shall be payable by the Public Housing Agency (PHA) as housing assistance payments on behalf of the Lessee and $_____ shall be payable by the Lessee. These amounts shall be subject to change by reason of changes in the Lessee's family income, composition, or extent of exceptional medical or other unusual expenses, or by reason of adjustment by the PHA of any applicable Allowance for Utilities and Other Services. Any such change shall be determined in accordance with HUD-established schedules and criteria and shall be effective as of the date stated in a notification to the Lessee.

c. The Lessor shall provide the following utilities: [Specify].

d. The Lessor shall provide maintenance and services as follows:

(1) The Lessor shall maintain the dwelling unit and all equipment provided therewith, as well as common areas, facilities and equipment provided for the use and benefit of the Lessee, in compliance with the Housing Quality Standards on the basis of which this Lease was approved by the Public Housing Agency, and the Lessor shall respond in a reasonable time to calls by the Lessee for services consistent with said obligation. Where applicable (as in case of multiunit buildings), such maintenance with respect to common areas, facilities and equipment shall include cleaning; maintenance of lighting and equipment; maintenance of grounds, lawns and shrubs; and removal of snow and ice. Where security equipment and services are to be provided by Lessor they are as follows: [Specify, or state "None"].

(2) Extermination services shall be provided by Lessor as conditions may require. If such service is to be provided on a scheduled basis, the schedule is as follows: [Specify, or state "No schedule"].

(3) Repainting shall be provided by Lessor as conditions may require. If such service is to be provided on a scheduled basis, the schedule is as follows: [Specify, or state "No schedule"].

e. The Lessor shall not evict the Lessee unless the Lessor complies with the requirements of local law, if any, and of this provision. The Lessor shall give the Lessee a written notice of the proposed eviction, stating the grounds and advising the Lessee that he has 10 days (or such greater number, if any, that may be required by local law) within which to respond to the Lessor. Because the Lessor must obtain the PHA's authorization for an eviction, a copy of the notice shall be furnished simultaneously to the PHA, and the notice shall also state that the Lessee may, within the same time period, present his objections to the PHA in writing or in person. The PHA shall forthwith examine the grounds for eviction and shall authorize the eviction unless it finds the grounds to be insufficient under the Lease. The PHA shall notify the Lessor and the Lessee of its determination within 20 days of the date of the notice to the Lessee, whether or not the Lessee has presented objections to the PHA. If the Owner has not received a response from the PHA within 20 days, he shall telephone the PHA and shall be informed by the PHA whether a notice of determination has been mailed. If the PHA informs the Owner that no notice has been mailed within the 20 day period, the PHA shall be deemed to have authorized the eviction.

f. The Lessor shall not discriminate against the Lessee in the provision of services, or in any other manner, on the grounds of race, color, creed, religion, sex, or national origin.

g. This Lease has been signed by the parties on the condition that the PHA will promptly execute a Housing Assistance Payments Contract with the Lessor. Accordingly, this Lease shall not become effective unless the PHA has executed such Contract by the first day of occupancy specified in the Lease.

Lessor _____
By _____
Date _____
Lessee _____
Date _____

APPENDIX VII

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

EXISTING HOUSING

PROHIBITED LEASE PROVISIONS

Lease clauses which fall within the classifications listed below shall not be included in any Lease in this program.

1. *Confession of Judgment.* Prior consent by tenant to any lawsuit the landlord may bring against him in connection with the Lease and to a judgment in favor of the landlord.

2. *Distraint for Rent or Other Charges.* Authorization to the landlord to take property of the tenant and hold it as a pledge until the tenant performs any obligation which the landlord has determined the tenant has failed to perform.

3. *Exculpatory Clause.* Agreement by tenant not to hold the landlord or landlord's agents liable for any acts or omissions whether intentional or negligent on the part of the landlord or the landlord's authorized representative or agents.

4. *Waiver of Legal Notice by Tenant Prior to Actions for Eviction or Money Judgments.* Agreement by tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed.

5. *Waiver of Legal Proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred, without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

6. *Waiver of Jury Trial.* Authorization to the landlord's lawyer to appear in court for the tenant and to waive the tenant's right to a trial by jury.

7. Waiver of Right to Appeal Judicial Error in Legal Proceedings. Authorization to the landlord's lawyer to waive the tenant's right to appeal on the ground of judicial error in any suit or the tenant's right to file a suit in equity to prevent the execution of a judgment.

8. Tenant Chargeable with Cost of Legal Actions Regardless of Outcome. Agreement by the tenant to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court finds in favor of the tenant. (Omission of this clause does not mean that the tenant as a party to a lawsuit may not be obligated to pay attorney's fees or other costs if he loses the suit.)

APPENDIX VIII

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS—EXISTING HOUSING

FAMILY'S DWELLING UNIT INSPECTION REPORT

[A modified form shall be used if local variations from the acceptability criteria have been approved by HUD.]

Address of Unit:_____ _____
Apt. No.

Name of Family_____
Telephone _____
Address _____
Name of Owner or Other Entity Authorized to Lease
_____
Address _____
_____ Telephone_____

INSTRUCTION: Place check mark in appropriate box to indicate whether the item is present, and where applicable, whether the item is in proper operating condition. Fill in other blanks and boxes as indicated.

GENERAL COMPOSITION OF DWELLING UNIT

State number and types of rooms in the dwelling unit:_____
_____

	Item is present	Item is in proper operating condition	Remarks
SANITARY FACILITIES			
Separate, private bathroom	☐	XXXX	
Flush toilet	☐	☐	
Fixed basin with hot and cold running water	☐	☐	
Shower or tub with hot and cold running water	☐	☐	
All facilities connected to approved public or private disposal system	☐	☐	
FOOD PREPARATION AND REFUSE DISPOSAL			
Cooking stove or range	☐	☐	
Refrigerator of appropriate size for the unit	☐	☐	
Kitchen sink with hot and cold running water draining into an approved public or private system	☐	☐	
Adequate space for storage, preparation and serving of food	☐	XXXX	
Adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans)	☐	☐	

	Item is present	Remarks
SPACE AND SECURITY		
Number of persons to occupy unit		
Number of living and/or sleeping rooms		
One living and/or sleeping room of appropriate size for each two persons	☐	
Exterior doors and windows accessible from outside are lockable	☐	

	Item is present	Item is in proper operating condition	Remarks
HEATING AND COOLING SYSTEMS			
Safe heating facilities which can provide adequate heat to each room of unit appropriate for the climate to assure healthy living environment	☐	☐	
Venting facilities for room heaters (if any) which burn gas, oil, or kerosene	☐	☐	
Safe cooling facilities which can provide adequate cooling to each room of unit appropriate for the climate to assure healthy living environment	☐	☐	
LIGHT AND ELECTRICITY			
One window in each living and sleeping room	☐	☐	
One ceiling or wall type light fixture in the bathroom	☐	☐	
One ceiling or wall type light fixture in the kitchen area	☐	☐	
Two electric outlets, one of which may be overhead light, in living area, in kitchen area, and in each bedroom area	☐	☐	

	Item is in specified condition	Remarks
Number of electric outlets in:		
Living area _____	Bedroom area No. 2 _____	
Kitchen area _____	Bedroom area No. 3 _____	
Bedroom area No. 1 _____	Bedroom area No. 4 _____	
Overhead lights in:		
Living area _____	Bedroom area No. 2 _____	
Kitchen area _____	Bedroom area No. 3 _____	
Bedroom area No. 1 _____	Bedroom area No. 4 _____	

	Item is in specified condition	Remarks
STRUCTURE AND MATERIALS		
Ceilings, walls and floors free from serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other serious damage	☐	
Roof structure firm	☐	
Roof weathertight	☐	
Exterior wall structure and exterior wall surface free from serious defects such as leaning, buckling, sagging, cracks or holes, loose siding, or other serious damage	☐	
Condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., such as not to present a danger of tripping or falling	☐	
INTERIOR AIR QUALITY		
Unit free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants	☐	
Adequate air circulation throughout unit	☐	
At least one openable window or other adequate exhaust ventilation of bathroom area	☐	

	Item is present	Item is in proper operating condition	Remarks
WATER SUPPLY			
Unit served by approved public or private sanitary water supply	☐	☐	

	Item is in specified condition	Remarks
ACCESS		
Unit useable and capable of being maintained without unauthorized use of other private properties	☐	
Alternate means of egress in case of fire (such as fire stairs or egress through windows)	☐	
SITE AND NEIGHBORHOOD		
Site and neighborhood free from serious adverse environmental conditions, natural or manmade, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazard or mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; rodent or vermin infestation; or fire hazards	☐	
SANITARY CONDITION		
Unit is free of vermin and rodent infestation	☐	

	Item is present	Item is in proper operating condition	Remarks
CONGREGATE HOUSING			
(This group of items is applicable only if unit is located in congregate housing, defined as housing connected with which there is a central dining facility to provide meals for the occupants.)			
Suitable space and equipment in central dining facility to store, prepare and serve food in sanitary manner	☐	☐	
Adequate facilities and service in central dining facility for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary, e.g., garbage cans	☐	☐	

FAMILY CERTIFICATION

I hereby certify that the foregoing report correctly represents the condition of the above-identified dwelling unit.

Date of inspection ....., 19.....

Signature of Family member who conducted the inspection: .....

.....

APPENDIX IX

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

OWNER'S DWELLING UNIT INSPECTION REPORT

[A modified form shall be used if local variations from the Acceptability Criteria have been approved by HUD]

Name of Family ..... Telephone .....

Address .....

.....

Name of Owner or Other Entity Authorized to Lease

.....

Address .....

..... Telephone .....

INSTRUCTION: Place check mark in appropriate box to indicate presence if the facility or item is present in the dwelling unit, and where applicable, if the facility or item is in proper operating condition. Fill in other blanks and boxes as indicated.

GENERAL COMPOSITION OF DWELLING UNIT

State number and types of rooms in the dwelling unit: .....

.....

	Item is present	Item is in proper operating condition	Remarks
SANITARY FACILITIES			
Separate, private bathroom	☐	XXXX	
Flush toilet	☐	☐	
Fixed basin with hot and cold running water	☐	☐	
Shower or tub with hot and cold running water	☐	☐	
All facilities connected to approved public or private disposal system	☐	XXXX	
FOOD PREPARATION AND REFUSE DISPOSAL			
Cooking stove or range	☐	☐	
Refrigerator of appropriate size for the unit	☐	☐	
Kitchen sink with hot and cold running water draining into an approved public or private system	☐	☐	
Adequate space for storage, preparation and serving of food	☐	XXXX	
Adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans)	☐	☐	

	Item is present	Remarks
SPACE AND SECURITY		
Number of persons to occupy unit		
Number of living and/or sleeping rooms		
One living and/or sleeping room of appropriate size for each two persons	☐	
Exterior doors and windows accessible from outside are lockable	☐	

	Item is present	Item is in proper operating condition	Remarks
HEATING AND COOLING SYSTEMS			
Safe heating facilities which can provide adequate heat to each room of unit appropriate for the climate to assure healthy living environment	☐	☐	
Venting facilities for room heaters (if any) which burn gas, oil, or kerosene	☐	☐	
Safe cooling facilities which can provide adequate cooling to each room of unit appropriate for the climate to assure healthy living environment	☐	☐	
LIGHT AND ELECTRICITY			
One window in each living and sleeping room	☐	☐	
One ceiling or wall typelight fixture in the bathroom	☐	☐	
One ceiling or wall typelight fixture in the kitchen area	☐	☐	
Two electric outlets, one of which may be overhead light, in living area, in kitchen area, and in each bedroom area	☐	☐	
Number of electric outlets in:			
Living area ..... Bedroom area No. 2			
Kitchen area ..... Bedroom area No. 3			
Bedroom area No. 1 ..... Bedroom area No. 4			
Overhead lights in:			
Living area ..... Bedroom area No. 2			
Kitchen area ..... Bedroom area No. 3			
Bedroom area No. 1 ..... Bedroom area No. 4			

	Item is in specified condition	Remarks
STRUCTURE AND MATERIALS		
Ceilings, walls and floors free from serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other serious damage	☐	
Roof structure firm	☐	
Roof weathertight	☐	
Exterior wall structure and exterior wall surface free from serious defects such as leaning, buckling, sagging, cracks or holes, loose siding, or other serious damage	☐	
Condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., such as not to present a danger of tripping or falling	☐	
INTERIOR AIR QUALITY		
Unit free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants	☐	
Adequate air circulation throughout unit	☐	
At least one openable window or other adequate exhaust ventilation of bathroom area	☐	

	Item is present	Item is in proper operating condition	Remarks
WATER SUPPLY			
Unit served by approved public or private sanitary water supply	☐	☐	

	Item is in specified condition	Remarks
ACCESS		
Unit useable and capable of being maintained without unauthorized use of other private properties	☐	
Alternate means of egress in case of fire (such as fire stairs or egress through windows)	☐	
SITE AND NEIGHBORHOOD		
Site and neighborhood free from serious adverse environmental conditions, natural or manmade, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazard or mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; rodent or vermin infestation; or fire hazards	☐	
SANITARY CONDITION		
Unit is free of vermin and rodent infestation	☐	

	Item is present	Item is in proper operating condition	Remarks
CONGREGATE HOUSING			
This group of items is applicable only if unit is located in congregate housing, defined as housing connected with which there is a central dining facility to provide meals for the occupants.)			
Suitable space and equipment in central dining facility to store, prepare and serve food in sanitary manner	☐	☐	
Adequate facilities and services in central dining facility for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary, i.e., garbage cans	☐	☐	

LEAD-BASED PAINT

☐ I hereby agree that the dwelling unit shall be in compliance with HUD Lead-Based Paint Regulations, 24 CFR, Part 35, issued pursuant to the Lead Based Paint Poisoning Prevention Act, 42 U.S.C. 4801, and the dwelling unit has been treated in accordance with such HUD regulations.

☐ If the property was constructed prior to 1950, I hereby certify that this Family upon occupancy will receive the notice required by HUD Lead-Based Paint regulations and procedures regarding the hazards of lead-based paint poisoning, the symptoms and treatment of lead poisoning and the precautions to be taken against lead poisoning and that records showing receipt of such notice by the Family will be maintained for at least three years.

OWNER'S CERTIFICATION

I hereby certify that the foregoing report correctly represents the condition of the above-identified dwelling unit. If this report discloses any deficiencies, I further certify that they will be remedied by the date set forth in the Request for Lease Approval for inspection by the issuing agency.

Date of Inspection ....., 19....

.....
Signature of owner

DAVID M. DEWILDE,
Acting Assistant Secretary for Housing Production and Mortgage Credit-FHA Commissioner.

[FR Doc.75-2103 Filed 1-22-75;8:45 a.m.]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1974)

Title 43—Public Lands: Interior (Parts 1–999) $3.95

Title 45—Public Welfare (Parts 100–199) 5.30

Title 45—Public Welfare (Parts 200–499) 3.15

Title 47—Telecommunication (Part 80–End) 6.05

[A Cumulative checklist of CFR issuances for 1974 appears in the first issue of the Federal Register each month under Title 1]

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